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COMPREHENSIVE REVIEW OF THE WHOLE QUESTION OF PEACE-KEEPING OPERATIONS IN ALL THEIR ASPECTS

Report of the Secretary-General

I. INTRODUCTION

1. This report is submitted pursuant to paragraph 10 of General Assembly resolution 46/48 of 9 December 1991, in which the Assembly requested the Secretary-General to collect information on peace-keeping training and similar activities and further requested him to issue a list based upon national submissions and to bring it up to date regularly.

2. In implementation of the above provision, a circular note was sent to all States, requesting information about their training activities for peace-keeping. Replies were received from 21 States, as follows: Australia, Belarus, Brazil, Canada, Colombia, Denmark, Finland, Ireland, Latvia, Luxembourg, Netherlands, New Zealand, Norway, Philippines, Poland, Russian Federation, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and Uruguay.

3. Some of the replies are quite detailed, including course outlines and manuals. They are being held in the Department of Peace-keeping Operations and are available to delegations on request. 1/ It is intended that Governments will be approached from time to time with a view to keeping the materials up to date. Meanwhile, it is requested that those Governments that have not supplied information about their peace-keeping training programmes in time for this report do so in due course.

4. The replies received so far show that training for peace-keeping takes place generally in the context of participation in a particular peace-keeping operation. The four Nordic countries (Denmark, Finland, Norway and Sweden)

are an exception to this, with their joint training programmes. Several countries have specialized courses for different categories of personnel, notably military observers. The length of the training ranges from a few days to two months, and the content varies accordingly. A number of programmes include refresher training of basic military skills in order to ensure a high level of competence. Some of the courses cover the full range of subjects listed in the United Nations "Training guidelines for national or regional training programmes", which was made available to Member States in 1991.

5. All States were asked about the participation of foreign nationals in their training programmes. The replies did not contain much information on this subject. However, Switzerland provided details of a military observer course held this year for 30 officers from five countries.

6. A brief summary of the replies follows.

II. SUMMARIES OF REPLIES RECEIVED FROM MEMBER STATES

AUSTRALIA

7. Australia provides peace-keeping training to members of its Defence Forces assigned to serve in United Nations peace-keeping operations. The training is given to contingents on both an individual and a group basis and in specialized areas such as mine awareness and medical training for Federal Police personnel in the United Nations Transitional Authority in Cambodia (UNTAC). Such preparatory training is designed to meet the specific requirements of each operation in which Australia participates. The duration of the training depends on the operation and the urgency of deployment. Australia also provided training assistance to the New Zealand Defence Forces personnel before participating in UNTAC by acquainting them with Australian equipment.

BELARUS

8. Training programmes for peace-keeping operations are presently being formulated.

BRAZIL

9. Training programmes for peace-keeping operations in general are provided to infantry units of the Brazilian Army and to the marine corps of the Brazilian Navy. Specific training (mission training) is provided immediately after a decision is made to deploy either military observers or contingents.

CANADA

10. In addition to basic military training, the Canadian Forces prepare their regular units and military personnel for peace-keeping operations by providing mission/rotation training for specific peace-keeping missions; contingency training conducted by the stand-by forces (based on an infantry battalion); military observer training; and occasional seminars and briefings, on request. The duration of the various training activities depends on the urgency and requirements of the mission.

COLOMBIA

11. The Colombian Military Forces and the National Police Forces provide training/information programmes to military observers and civilian police. The programmes are tailored specifically to the peace-keeping operation in which the unit/personnel are to serve.

DENMARK

12. The Danish Defence Forces provide basic training for peace-keeping operations as an integrated part of the military training of all army personnel. In addition, officers and non-commissioned officers (NCOs) are trained in the tactics, skills and organization of peace-keeping operations as an integrated part of their professional training. General peace-keeping training of personnel designated to be assigned to a specific mission is conducted by the Danish United Nations Stand-by Forces. Immediately before deployment to the mission area, designated units receive pre-mission training designed to meet the requirements for the individual tasks of the units. A joint peace-keeping training programme is also conducted within the framework of the Nordic Committee for Military United Nations Matters. Consequently, Denmark sends military observers to Finland, staff officers to Sweden, and logistics officers to Norway. Within this framework, Denmark trains military police officers and NCOs. Besides the Nordic countries, this training is open to other countries on a case-by-case basis.

FINLAND

13. The Finnish Defence Forces conduct peace-keeping training for all military personnel and units prior to their assignment to a peace-keeping mission. Finland also conducts a training course for military observers. This three-week course takes place within the framework of the Nordic Committee for Military United Nations Matters and is designed primarily for Nordic officers. If resources permit, officers from other countries are also accepted. As part of the Nordic countries' peace-keeping training programmes, Finland sends staff/officers to Sweden, logistics officers to Norway and military police personnel to Denmark. All peace-keeping training in Finland is organized and conducted by the Finnish United Nations Training Centre in Niinisalo.

IRELAND

14. Within the Irish Defence Forces, all personnel who are selected for a peace-keeping operation receive training according to mission requirements. The principal training for service with United Nations peace-keeping operations takes place twice a year, prior to unit rotation. General preparation, training of subunits and operational conditioning under battalion control takes place in Ireland, while the "hands on" training is conducted in the mission area. Besides operational training, staff training is comprised of media training, which provides guidance to battalion commanders and selected officers on the techniques of communication and how to deal with the media.

LATVIA

15. Latvia does not have a peace-keeping training programme, but the Government plans to develop such a programme in the future.

LUXEMBOURG

16. Currently, Luxembourg organizes centralized training in collaboration with Belgium and within the framework of the Belgian/Luxembourg United Nations Protection Force (UNPROFOR) battalion. This training is for one to two weeks before the joint deployment to the mission area. The training comprises basic United Nations peace-keeping training, as well as detailed information about specific aspects of the deployment area. Luxembourg also benefits from Austria's offer to have one officer per year participate in its military observer course and one in its staff officer course.

NETHERLANDS

17. The Netherlands Army has established a Peace Force Training Detachment to prepare units and personnel for service with peace-keeping missions. Before deployment, two weeks of preparatory training is provided to units and one week to individuals, e.g. United Nations military observers. Each training programme is tailored to meet the requirements of a specific operation in which the Netherlands will participate.

NEW ZEALAND

18. The New Zealand Army is involved in several peace-keeping operations. Consequently, training and pre-deployment preparation is fashioned to correspond to each mission. The pre-deployment training for units encompasses general information about the United Nations and the specific mission (United Nations module), specialist training (e.g. military observer, mine clearance training teams, signals) and language training. The training takes from two

to three weeks, after which the trained personnel will generally return home to await call-up. Before deployment, the contingents will usually be concentrated for final issues, briefings and administration.

NORWAY

19. Peace-keeping training is provided to personnel who are designated for immediate duty in one of the ongoing peace-keeping operations or who belong to the Norwegian United Nations Stand-by Forces. Personnel and units participating in ongoing peace-keeping operations undergo a three-week peace-keeping training programme (five weeks for officers) immediately before rotation. The units of the Stand-by Force conduct a two to three-week peace-keeping training every second year; staff exercises are conducted every year. Military observers, staff officers and key personnel in command and logistic and military police functions are trained within the framework of the Nordic United Nations peace-keeping courses, under which Norway is responsible for the training of logistic officers. This course is open for other countries on a case-by-case basis. Information concerning peace-keeping is also provided to students at various military schools.

PHILIPPINES

20. The Philippine Armed Forces organize training/orientation programmes for members of the Philippine contingent serving in Cambodia. Similar training/orientation has also been provided to members of the United Nations Guard Contingent in Iraq. The training is for a four-day period and provides a background to the principles of United Nations peace-keeping, as well as country and culture orientation.

POLAND

21. All personnel to be deployed in a peace-keeping mission undergo preparatory training. This includes training for logistic, infantry and medical units, military observers, headquarters personnel, United Nations military police and the United Nations guards. Three to four weeks before deployment in the mission area, the troops are assembled to be formed, trained and equipped. In addition, special courses are organized in advance, providing in-depth training in various specialized areas such as operations, administration, logistics, observer duties, etc. The training is conducted at the Military Centre for United Nations Peace-keeping Operations in Kielec.

RUSSIAN FEDERATION

22. Within the Russian Federation, the Defence Ministry conducts a two-month annual training course for military observers. In 1993, the course will be expanded, allowing 100 military observers to be trained annually. With

respect to sharing experience about training military personnel for United Nations peace-keeping operations, the Russian Federation currently cooperates with the Nordic countries, particularly with Finland.

SPAIN

23. The Spanish Armed Forces have no regular peace-keeping training for national contingents. At present, officers selected for United Nations observer missions in which Spain participates receive four weeks of training prior to taking up their assignments.

SWEDEN

24. Sweden provides centralized peace-keeping training to units and individuals serving in a peace-keeping mission. The training includes preparatory training for units, as well as for individuals, prior to deployment in a peace-keeping mission. In addition, units of the Swedish United Nations Stand-by Forces undergo training annually. Besides training for military personnel, Sweden provides training for civilian police, election monitors and personnel belonging to the Swedish Disaster Relief Organization. All peace-keeping training takes place at the United Nations Training Centre in Almnaes.

25. Within the framework of the Nordic peace-keeping courses, Sweden sends military observers to Finland, logistical officers to Norway and military police to Denmark. Within that context, Sweden conducts a three-week course for staff officers, pre-designated for a staff function in one of the missions in which the Nordic countries participate. This course is open to other countries on a case-by-case basis.

SWITZERLAND

26. So far, the Swiss non-combat units serving in peace-keeping missions have been medical contingents. Such personnel receive in-house training provided by the Swiss Army. In order to meet the peace-keeping requirements regarding military observers, Switzerland organized in 1992 an initial three-week training course for officers from Austria, Denmark, Finland, Norway, Sweden and Switzerland. The Ministry for Foreign Affairs has also developed a training programme for election monitors. So far, more than 50 persons have received such training; additional courses will be organized in the future.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

27. Military personnel deployed on peace-keeping duties are drawn from regular service units. Within this context, the United Kingdom undertakes short two-day briefing packages for those deployed as United Nations Military

Observers; these courses are normally related to the particular mission concerned. In addition, the United Kingdom runs training packages for units designated for a specific mission. A number of paper exercises and studies related to peace-keeping are held within the United Kingdom's Service Staff College.

URUGUAY

28. Personnel selected to serve in United Nations peace-keeping operations receive training prior to taking up their assignments.

Notes

1/ For information regarding the texts of the replies, contact the Department of Peace-keeping Operations of the Secretariat (telephone (212) 963-2626).

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REPORT OF THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

Institutional arrangements to follow up the United Nations Conference on Environment and Development

Report of the Secretary-General

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I. INTRODUCTION

1. The United Nations Conference on Environment and Development held at Rio de Janeiro, Brazil, from 3 to 14 June 1992, marked the beginning of an important new phase of international cooperation in development and environmental management, based on the recognition of the need for an integrated approach to all issues of environment and development. The Conference was unprecedented in the scope of its work, in the level of participation, in the scale of governmental and non-governmental involvement and the extent of public impact. At its final session, the Conference adopted the Rio Declaration on Environment and Development, a comprehensive programme of action called Agenda 21 and a set of principles/elements on forests ("The Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests"). 1/ In addition, the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity were opened for signature at the Conference.

2. Chapter 38 of Agenda 21 contains a comprehensive set of recommendations related to international institutional arrangements required to ensure effective follow-up to the Conference including the implementation of Agenda 21 at the national, regional and international levels. These decisions call for institutional arrangements that should be innovative in nature, while contributing to the restructuring and revitalization of the United Nations in the economic, social and related fields and the overall reform of the United Nations, including ongoing changes in the Secretariat.

3. The institutional arrangements to follow up the Conference should thus strengthen the role and potential of the United Nations, including the General Assembly and the Economic and Social Council, in the interrelated fields of environment and development, so as to enable the Organization to respond effectively to the needs of the international community in these crucial areas.

4. The Conference, in paragraph 38.11 of Agenda 21, recommended that a high-level Commission on Sustainable Development be established in accordance with Article 68 of the Charter of the United Nations. This Commission would report to the Economic and Social Council in the context of the Council's role under the Charter vis-à-vis the General Assembly. It was further recommended in paragraph 38.12 that the General Assembly, at its forty-seventh session, should determine specific organizational modalities for the work of the Commission, such as its membership, its relationship with other intergovernmental United Nations bodies dealing with matters related to environment and development, and the frequency, duration and venue of its meetings. Those modalities should take into account the ongoing process of revitalization and restructuring of the work of the United Nations in the economic, social and related fields, in particular measures recommended by the General Assembly in resolutions 45/264 of 13 May 1991 and 46/235 of 13 April 1992 and other relevant Assembly resolutions. In that connection, the Conference requested the Secretary-General of the United Nations, with the

assistance of the Secretary-General of the Conference, to prepare for the Assembly a report with appropriate recommendations and proposals.

5. In paragraphs 38.16 and 38.17 of Agenda 21, the Conference stated that effective monitoring, coordination and supervision of the involvement of the United Nations system in the follow-up to the Conference required a coordination mechanism under the direct leadership of the Secretary-General. It recommended that this task be given to the Administrative Committee on Coordination (ACC), which would thus provide a vital link and interface between the multilateral financial institutions and other United Nations bodies at the highest administrative level. The Secretary-General was invited to continue to revitalize the functioning of the Committee.

6. In paragraph 38.18 of Agenda 21 the Conference stated that intergovernmental bodies, the Secretary-General and the United Nations system as a whole might benefit from the expertise of a high-level advisory board consisting of eminent persons knowledgeable about environment and development, including relevant sciences, appointed by the Secretary-General in their personal capacity. In that regard, the Secretary-General was invited to make appropriate recommendations to the General Assembly at its forty-seventh session. It should be noted that related recommendations are contained in paragraphs 31.4 (d) and 35.7 (c) of Agenda 21.

7. The Conference also stated, in paragraph 38.19 of Agenda 21, that a highly qualified and competent secretariat support structure within the United Nations Secretariat, drawing, inter alia, on the expertise gained in the Conference preparatory process, was essential for the follow-up to the Conference and the implementation of Agenda 21. It recommended that this secretariat support structure should provide support to the work of both intergovernmental and inter-agency coordination mechanisms. It further recommended, in paragraph 38.11 that this structure should provide support for the Commission on Sustainable Development.

8. The Conference also recommended in paragraph 38.44 of Agenda 21 that the General Assembly, at an early stage, should examine ways of enhancing the involvement of non-governmental organizations within the United Nations system in relation to the follow-up process to the Conference. In particular, it was recommended that procedures should be established for an expanded role for non-governmental organizations, including those related to major groups, with accreditation based on the procedures used at the Conference. In paragraph 38.11, the Conference recommended that the Commission on Sustainable Development should encourage the participation in its work of non-governmental organizations, including industry and the business and scientific communities. Related recommendations on the involvement of these organizations in the follow-up to the Conference are contained in paragraphs 27.5 to 27.9 of Agenda 21.

9. Most of the recommendations outlined above require consideration and action by relevant United Nations intergovernmental bodies, including the General Assembly and the Economic and Social Council, as well as by the

Secretary-General and the Administrative Committee on Coordination. This report, prepared in accordance with the requests of the Conference, contains the proposals and recommendations of the Secretary-General on ways and means of organizing effective follow-up to the Conference at the intergovernmental, inter-agency and secretariat levels with a view to facilitating deliberations on this important subject during the forty-seventh session of the General Assembly.

II. PROPOSALS ON PROCEDURAL AND ORGANIZATIONAL MODALITIES FOR THE HIGH-LEVEL COMMISSION ON SUSTAINABLE DEVELOPMENT

A. General observations on the functions and powers of commissions established under Article 68 of the Charter

10. Article 68 of the Charter of the United Nations provides that the Economic and Social Council "shall set up commissions in economic and social fields and for the promotion of human rights". The Council is also empowered under this Article to set up "such other commissions as may be required for the performance of its functions". The term "commission" has generally been used to designate two types of bodies, namely the functional commissions, which may be established in order to assist the Economic and Social Council to perform its functions, and regional commissions, which have been entrusted by the Council with broad responsibilities to deal with economic and social problems of a regional character in specific areas of the world. The term commission has been also used occasionally for the standing committees of the Economic and Social Council, set up to assist the Council in various sectoral areas.

11. In general terms, commissions established under Article 68 of the Charter of the United Nations assist, advise and make recommendations and reports to the Council on matters within their competence. 2/ In the case under consideration, the far-reaching nature of the recommendations contained in chapter 38 of Agenda 21, would suggest that the Commission on Sustainable Development should be established as a high-level forum for the comprehensive and in-depth consideration of all aspects of the follow-up to the Conference, and therefore should be entrusted with the broad functions and powers needed to fulfil such a mandate.

B. Analysis of the recommendations of the United Nations Conference on Environment and Development on the functions of the Commission on Sustainable Development

12. While the general tasks of the Commission on Sustainable Development, as recommended in paragraph 38.11 of Agenda 21, are to "ensure effective follow-up of the Conference, as well as to enhance international cooperation and rationalize the intergovernmental decision-making capacity for the integration of environment and development issues and to examine the progress

in the implementation of Agenda 21 at the national, regional and international levels", specific functions are described in paragraphs 38.13 and 33.13 of Agenda 21 and include the following:

(a) To monitor progress in the implementation of Agenda 21 and activities related to the integration of environmental and developmental goals throughout the United Nations system through analysis and evaluation of reports from all relevant organs, organizations, programmes and institutions of the United Nations system dealing with various issues of environment and development, including those related to finance;

(b) To consider information provided by Governments, including, for example, in the form of periodic communications or national reports regarding the activities they undertake to implement Agenda 21, the problems they face, such as problems related to financial resources and technology transfer, and other environment and development issues they find relevant;

(c) To review the progress in the implementation of commitments contained in Agenda 21, including those related to provision of financial resources and transfer of technology;

(d) To receive and analyse relevant input from competent non-governmental organizations, including the scientific and private sectors, in the context of the overall implementation of Agenda 21;

(e) To enhance the dialogue, within the framework of the United Nations, with the non-governmental organizations and the independent sector, as well as other entities outside the United Nations system;

(f) To consider, where appropriate, information regarding the progress made in the implementation of environmental conventions, which could be made available by the relevant Conferences of Parties;

(g) To provide appropriate recommendations to the General Assembly, through the Economic and Social Council, on the basis of an integrated consideration of the reports and issues related to the implementation of Agenda 21;

(h) To consider, at an appropriate time, the results of the review to be conducted expeditiously by the Secretary-General of the United Nations of all recommendations of the Conference for capacity-building programmes, information networks, task forces and other mechanisms to support the integration of environment and development at regional and subregional levels;

(i) To regularly review and monitor progress towards the United Nations target of 0.7 per cent of gross national product for official development assistance. It will be important to review on a regular basis the adequacy of funding and mechanisms to finance Agenda 21.

13. It can be seen from the recommendations outlined above that the Commission would have broad functions related to virtually all conceptual and practical aspects of evolving international interaction among Governments, intergovernmental institutions and non-governmental organizations and constituencies in the area of sustainable development. It seems to be particularly important for the Commission to integrate monitoring, review and analysis of the programmatic aspects of the implementation of Agenda 21 at the international, regional and national levels, as well as the means of such implementation, particularly those related to finance. Though all of those functions are closely interrelated, conceptually they can be divided into five broad categories:

(a) Functions related to review and analysis of progress in the implementation of the decisions of the Conference, including Agenda 21 and commitments contained therein, particularly those related to finance and transfer of technology;

(b) Functions related to the review of funding and funding mechanisms;

(c) Functions related to the roles of intergovernmental organizations and their respective responsibilities in achieving the goals of sustainable development;

(d) Functions related to the consideration of information provided by Governments and regional organizations;

(e) Functions related to progress made in the implementation of relevant legal instruments and consideration of new instruments in areas not covered by existing ones.

14. The Commission's review of the implementation of Agenda 21 could also include the application and, where necessary, the further elaboration of general principles related to rights and obligations in the area of environment and development, as contained in the Rio Declaration.

15. It would also seem important not to limit intergovernmental work to the review of progress achieved in implementing Agenda 21 and to the consideration of problems that may arise and ways to overcome them, but also to keep Agenda 21 itself under review with a view to adjusting and updating it as may be necessary in the light of economic, financial, technological, scientific, legal and other developments. This would reinforce the dynamic and adaptable character of Agenda 21 as a long-term framework for action by the international community and coordination of relevant activities of international organizations.

C. Membership

16. The Conference, in paragraph 38.11 of Agenda 21, recommended that the Commission should consist of representatives of States elected as members, with due regard to equitable geographical distribution. It further recommended that representatives of non-member States of the Commission should have observer status. It should be noted that, in accordance with rule 24 of the rules of procedure of the Economic and Social Council, the Council defines the composition of its subsidiary bodies. The membership of the various commissions of the Council ranges from 24 to 53 members. Members of the Commission will be elected by the Council, and may, in accordance with United Nations practice, be elected from amongst States that are Members of the United Nations, or States that are members of the United Nations, its specialized agencies and the International Atomic Energy Agency.

17. It is obviously desirable to secure the involvement of as many Governments as possible in the economic, social and developmental work of the United Nations. This objective is best pursued in relation to the totality of the Economic and Social Council and its subsidiary bodies (the final structure and composition of which will be affected by the ongoing debate on governance in the General Assembly) with different considerations guiding the determination of the optimum size of each of these bodies. In the case of the Commission on Sustainable Development, a key consideration will be to maintain the political momentum achieved at Rio de Janeiro, through the highest level of participation and a format which maximizes the prospects for effective dialogue among high-level participants. This set of considerations would seem to militate in favour of a limited size for the composition of the Commission, subject of course to the principle of equitable geographical distribution (paragraph 32 below is also relevant in this context).

D. Programme and organization of work

18. The multidisciplinary character and time-frame of Agenda 21 require the elaboration of a flexible multi-year programme of work for the Commission that will provide a framework to assess progress achieved in its implementation and, in the light of the considerations outlined in paragraph 15 of the present report, its further development and updating as might be required, taking into account major international developments affecting issues related to environment and development. Under such a programme, some Agenda 21 components could be considered on an annual basis, while others could be reviewed once every two or more years.

19. Since the sectoral programmes in Agenda 21 will be under review in relevant sectoral forums, the primary task of the review by the Commission on Sustainable Development must be in-depth evaluation, focusing on linkages with other sectoral and cross-sectoral issues. At each session, some sectoral issues would be taken up for in-depth evaluation on the basis of the agreed multi-year review programme. The basic outline of the programme could be considered at the Commission's first substantive session in 1993 on the basis of proposals to be made by the Secretary-General.

20. In order to enable the Commission to discharge its functions effectively its work might be divided into segments. Three to four review segments 3/ and a high-level policy segment could be envisaged. The review segments could be devoted to: (a) consideration of issues of implementation of various chapters/components of Agenda 21 at the international level on the basis of a multi-year review programme; (b) consideration of information provided by Governments and regional organizations; (c) consideration of progress in the implementation of relevant legal instruments and elaboration of future instruments; and (d) consideration of issues related to financing of Agenda 21 and transfer of technology. Irrespective of the number of such segments, it will be important to plan and articulate the work programmes of the segments in such a way as to ensure an integrated approach to the implementation of all chapters of Agenda 21.

21. The high-level policy segment should be attended by ministers and high-level policy makers with responsibility in respect of environment and development and should provide an opportunity to review overall progress in the implementation of commitments contained in Agenda 21, including those related to the provision of financial resources and transfer of technology, and resolve outstanding issues resulting from the work of the various segments. At the same time, it should be future-oriented and contribute to further development and updating of the recommendations of the Conference in the light of progress achieved and new developments. In that context, it would evolve appropriate recommendations on the future orientation of work on sustainable development.

22. As an integral part of its functions, the high-level policy segment of the Commission should seek to provide a contribution to the high-level segment of the Economic and Social Council, particularly by identifying priorities and/or emerging issues related to sustainable development, thereby contributing to the selection of major themes to be addressed at the high-level segment.

23. The Commission may elect a Bureau consisting of a Chairperson and four Vice-Chairpersons, one of whom would also act as Rapporteur, coming from each of the regional groups. Accordingly, the Chairperson might conduct the opening and concluding meetings of the Commission as well as the high-level policy segment, while the Vice-Chairpersons might chair the review segments. The outcome of the segments would take the form of conclusions and recommendations emerging from proposals made by the Secretary-General, members of the Commission and the discussions held.

E. Rules of procedure

24. Subsidiary bodies set up by the Economic and Social Council, with the exception of regional commissions, normally operate under the rules of procedure of the Council. 4/ Distinct rules of procedure have been established for the functional commissions of the Economic and Social Council and their subsidiary bodies. 5/ In principle, rule 27 of the rules of

procedure of the Council allows its subsidiaries to operate under their own rules of procedure to be drawn up by the Council, or, if it so decides, by the subsidiary organ itself.

25. Should the need arise, the Commission could arrange for ad hoc inter-sessional working groups, with a view to ensuring an in-depth analysis of issues of major importance and/or preparing relevant recommendations for any of the segments of the Commission. Inter-sessional meetings of the bureau could also be convened for these purposes.

F. Frequency, duration and venue of meetings

26. The calendar of meetings of the Economic and Social Council and its subsidiaries should be so arranged as to enable the Commission to take into account and, as appropriate, analyse relevant aspects of the work of the concerned intergovernmental organizations, particularly the Governing Councils of the United Nations Environment Programme (UNEP) and the United Nations Development Programme (UNDP), and at the same time to enable the Commission to report to the annual substantive session of the Council. Under such a rearranged calendar, the Commission might meet annually for a period of two to three weeks. It could also, as required, hold inter-sessional meetings of particular segments and/or subgroups.

27. During the Conference, most participants who addressed the issue of possible venues for the sessions of the Commission took the view that it should meet either at Geneva or in New York. It may be preferable for the Commission's regular sessions usually to be held at a United Nations headquarters in view of the practical advantages that such venues would offer. The Commission's sessions could also alternate between Geneva and New York, as in the case of the Governing Council of UNDP and the Economic and Social Council.

G. Participation of intergovernmental organizations

28. Special procedures were followed for the participation and involvement of intergovernmental organizations in the preparations for the United Nations Conference on Environment and Development and at the Conference itself. 6/ In the light of that experience, the Conference, in paragraph 38.11 of Agenda 21 recommended that the Commission on Sustainable Development "should provide for active involvement of organs, programmes and organizations of the United Nations system, international financial institutions and other relevant intergovernmental organizations".

29. In the light of these recommendations it seems important to ensure that the representatives of various parts of the United Nations, international organizations, both inside and outside the United Nations system, including international financial institutions and the General Agreement on Tariffs and Trade (GATT), regional development banks and relevant regional and subregional

intergovernmental economic and technical cooperation organizations be enabled not only to participate as observers in the work of the Commission and make statements on their activities at its sessions, as they normally do in United Nations intergovernmental organs, but also to play an active part in the deliberations in an advisory capacity. Such an enhanced dialogue between representatives of Governments and international organizations should make the deliberations of the Commission more substantive and action-oriented and also contribute to the strengthening of intergovernmental and inter-agency coordination of relevant activities.

H. Participation of non-governmental organizations

30. In paragraph 38.11 of Agenda 21 the Conference recommended that the Commission on Sustainable Development should encourage the participation of non-governmental organizations, including industry and the business and scientific communities. It further recommended in paragraph 38.44 that "procedures should be established for an expanded role for non-governmental organizations, including those related to major groups, with accreditation based on the procedures used in the Conference".

31. The procedures for the accreditation and participation of non-governmental organizations contributed greatly to the success of the Conference. The General Assembly, drawing on this experience, may wish to formulate guidelines for more active participation of non-governmental organizations in the work of the Economic and Social Council and its subsidiary bodies in line with paragraph 38.44 of Agenda 21. In that light, and in line with paragraph 38.11 of Agenda 21, suitable draft rules of procedure could, in the first instance, be prepared for enhanced participation by non-governmental organizations in the work of the Commission. These could be submitted for consideration by the Council at the organizational session in 1993 or at an earlier special meeting of the Council formally establishing the Commission. (In this connection, see also section II.I below, entitled "Informal arrangements" and section IV, entitled "High-level advisory body".)

I. Informal arrangements

32. The above procedures could be complemented by informal arrangements in order to enhance dialogue among the Ministers participating in the Commission's sessions, as well as to strengthen the dialogue with non-governmental organizations. In relation to the former, a one-day informal round-table, restricted to ministerial-level participants, could be held, following the working segments, to facilitate preparations for the high-level segment, including by providing advice and views which could assist in resolving any outstanding difficulties. Informal arrangements should also be made to enhance collaboration with the relevant non-governmental organizations, including the scientific community, the private sector and women's groups. This would include developing further channels of communication with non-governmental organizations during inter-sessional periods, and arrangements to draw in a systematic way on the findings of relevant non-governmental organizations and their experience in implementation of Agenda 21 and in the preparation of reports for the Commission.

J. Relationship with the General Assembly, the Economic and Social Council and their subsidiary bodies

33. In paragraph 38.12 of Agenda 21 the Conference recommended that the organizational modalities for the Commission should take into account the ongoing process of revitalization and restructuring of the work of the United Nations in the economic, social and related fields, in particular measures recommended by the General Assembly in resolutions 45/264 of 13 May 1991 and 46/235 of 13 April 1992 and other relevant Assembly resolutions. Similar recommendations are contained in paragraphs 38.2 and 38.8 of Agenda 21.

34. In order to serve as the focal point of intergovernmental decision-making for the integration of environment and development issues within the United Nations, the Commission should build its work on that of all appropriate sectoral intergovernmental subsidiary bodies of the General Assembly and the Economic and Social Council that address issues related to sustainable development, and elaborate on that basis comprehensive and coherent policy recommendations to the Council and, through it, to the General Assembly. Thus, a clear division of responsibilities between the Commission and the above-mentioned bodies, and the establishment of optimal reporting patterns are essential.

35. The Commission should draw in particular upon the activities of UNEP and UNDP, as well as the United Nations Conference on Trade and Development (UTAD), which, in accordance with Agenda 21 should play a crucial role in the follow-up to the Conference. In the implementation of the Conference outcome, in particular Agenda 21, there will be need for close interaction between the Commission and the governing bodies of these programmes in a way that is mutually reinforcing.

36. A number of other subsidiary bodies have a clear mandate vis-à-vis certain chapters of Agenda 21 (e.g., the Population Commission, the Commission of Science and Technology for Development, the Statistical Commission, the Committee on Natural Resources and the Committee on New and Renewable Sources of Energy and on Energy for Development). Provision should be made to ensure an effective interaction between these bodies and the Commission. Other components of the Economic and Social Council subsidiary machinery also have a role to play in the follow-up to the Conference. It will be necessary to review and adjust the biennial work-plans of all subsidiary bodies in order to respond to Agenda 21 requirements and to focus more sharply on the evolving concept of sustainable development. More generally, the establishment and terms of reference of the Commission should be taken into account in the further review of the structures of the Economic and Social Council in the context of the revitalization of the Council.

37. It will also be essential to organize effective interaction between the Commission and the Council itself, particularly with a view to avoiding repetitive debates on sustainable development. The role of the Commission would be to ensure in-depth consideration of all issues related to the implementation of Agenda 21 and to provide advice and policy recommendations to the Council and through it to the General Assembly. The Council would, in turn, provide an opportunity for integrating the results of the work of the Commission with a broader range of issues on the Council's agenda, including operational activities and humanitarian and emergency relief. The Commission's recommendations on the implementation of Agenda 21 by intergovernmental organizations both within and outside the United Nations system would, in particular, assist the Council in effectively discharging its Charter functions related to system-wide coordination in general, as well as its specific responsibilities for overseeing and directing "system-wide coordination and integration of environmental and developmental aspects of United Nations policies and programmes", as envisaged in paragraph 38.10 of Agenda 21.

38. In order to optimize the division of labour between the Council and the Commission, particularly regarding the role and functions of their high-level segments, and taking into account paragraph 38.10 of Agenda 21, the following arrangements could be envisaged:

(a) Examination by the Economic and Social Council of the report of the Commission, focusing, in particular, on the conceptual integration of the Commission's work with other issues on the Council's agenda;

(b) Consideration of relevant results of the work of the Commission related to implementation of Agenda 21 by international organizations in the course of the Council's coordination segment;

(c) Periodic general overview of the implementation of Agenda 21 and the work of the Commission within the Council's high-level segment, focusing on priorities, new and/or emerging issues, major problem areas, etc.;

(d) Modalities should be developed to synchronize in an optimal way the future programme of work of the Commission, including its high-level segment, with the multi-year work programme of the Council and major policy themes to be considered during the Council's high-level segments, with a view to ensuring effective interaction and avoiding duplication.

39. It will also be important to ensure effective consideration of relevant issues in the General Assembly itself. The reports of the Commission will be brought to its attention in the context of the annual reports of the Economic and Social Council. In deciding how the General Assembly should take up the reports of the Commission, the need to avoid duplication and/or repetition in the debates should be carefully considered. The various aspects of Agenda 21 fall within the competence of the Second, Third and Sixth Committees of the Assembly. For that reason, it was decided that, at the current session, the follow-up to the Conference should be taken up in plenary meeting.

40. In paragraph 38.9 of Agenda 21, the Conference recommended that the General Assembly itself, as the principal policy-making and appraisal organ, consider the timing, format and organizational aspects of a review of the implementation of Agenda 21. It further recommended that the Assembly consider holding a special session no later than 1997 for the purposes of overall review and appraisal of Agenda 21, with adequate preparations at a high level. Proposals on this matter could be the subject of a report by the Secretary-General for presentation at a future session of the Assembly.

41. All of the above considerations point to the special importance of ensuring that the General Assembly, in acting on the issues raised in this section of the report, take into full account ongoing discussions on the role of the United Nations in enhancing international cooperation for development and on the revitalization of the Economic and Social Council, so that the Commission may fit harmoniously in the United Nations intergovernmental machinery addressing various aspects of environment and development and contribute to rationalizing decision-making capacity in this area. It would seem particularly important in this context, bearing in mind the ongoing process of revitalization of the Council, including current discussions on the governance of operational activities, that the General Assembly should allow for a measure of flexibility, so as to be in a position to introduce further modifications, including adjustments in the composition, working methods and procedures of the Commission and its relationship with other subsidiary bodies, which may be required in the light of developments.

K. Issues that may be considered at the first session of the Commission

42. The United Nations Conference on Environment and Development recommended that the first session of the Commission should be convened no later than 1993. This session will have a number of organizational issues to resolve, including the composition of its Bureau, the format and other modalities of its future programme of work.

43. In the context of the segments referred to earlier, the Commission may wish to consider:

(a) The format and process for the review and monitoring of Agenda 21, particularly the provisions relating to finance and technology transfer;

(b) The format and process for the review of funding and funding mechanisms and the way in which financial institutions can be brought into this process;

(c) The format and process for the consideration of information provided by conferences of parties to conventions/legal agreements;

(d) The format and process for the consideration of information provided by Governments and regional organizations;

(e) Elaboration of a programme of substantive work required in order to support the deliberations of the Commission, particularly with regard to the need to maintain an orientation towards the future development of Agenda 21.

44. The Commission may also wish to give further consideration, as required, to specific modalities and procedures for the participation in its work process of the members of the high-level advisory board, as well as representatives of non-governmental organizations.

III. INTER-AGENCY COORDINATION ARRANGEMENTS TO FOLLOW UP THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT AND THE ROLE OF THE ADMINISTRATIVE COMMITTEE ON COORDINATION

45. The implementation of Agenda 21 will require an unprecedented level of cooperation, not only between nations but also between international organizations both within and outside the United Nations system. Agenda 21 itself underscores the need for strengthening inter-agency coordination and close and effective cooperation with other international organizations and financial institutions as an important prerequisite for an effective follow-up to the Conference.

46. In more specific terms, paragraph 38.4 of Agenda 21 states that "all agencies of the United Nations system have a key role to play in the implementation of Agenda 21 within their respective competence. To ensure proper coordination and avoid duplication in the implementation of Agenda 21, there should be an effective division of labour between various parts of the United Nations system based on their terms of reference and comparative advantages". Paragraph 38.1 states that the General Assembly, being the supreme policy-making forum, would provide overall guidance to the United Nations system. Paragraph 38.10 entrusts the Economic and Social Council, in the context of its role under the Charter, with the tasks of overseeing and directing system-wide coordination.

47. The specific objectives of chapter 38 of Agenda 21 include, inter alia, the need to strengthen cooperation and coordination on environment and development in the United Nations system, the need to establish effective cooperation and exchange of information between United Nations organs, organizations, programmes and multilateral financial bodies and the need to ensure clear division of responsibilities and avoidance of duplication in the United Nations system. As also indicated in section V below, the Secretary-General is currently reviewing Secretariat arrangements for programme review and/or coordination, taking into account, inter alia, requirements for the implementation of Agenda 21, to ensure that they are consistent with and supportive of such implementation.

48. In line with paragraph 38.16, Agenda 21 should provide the principal framework for coordination of the activities within the United Nations system to integrate environment and development. To give effect to this recommendation, Member States should ensure that all concerned parts of the United Nations system adopt concrete programmes for the implementation of Agenda 21 and make arrangements for reporting on their relevant activities. In this connection, the need for "serious and continuous reviews of their policies, programmes, budgets and activities" is underlined in paragraph 38.4. In the same context, in paragraph 38.28 of Agenda 21, the Conference recommended that the governing bodies of United Nations specialized agencies and related organizations consider adjusting their activities and programmes in line with Agenda 21.

49. In paragraphs 38.15 and 38.16 of Agenda 21 the Conference recognized the crucial importance of "strong and effective leadership on the part of the Secretary-General", as "the focal point of the institutional arrangements within the United Nations system for the successful follow-up to the Conference and for the implementation of Agenda 21". It also emphasized the need for a coordination mechanism "under the direct leadership of the Secretary-General" to ensure effective monitoring, coordination and supervision of the involvement of the United Nations system in the follow-up to the Conference.

50. In the same section of chapter 38, on inter-agency coordination, the Conference called on all heads of agencies and institutions of the United Nations system to cooperate fully with the Secretary-General in order to make ACC work effectively in fulfilling its crucial role and ensure the successful implementation of Agenda 21. It also recommended that the ACC consider establishing a special task force, subcommittee or a board on implementation of Agenda 21, taking into account the experience of the Designated Officials for Environmental Matters (DOEM) and the Committee of International Development Institutions on Environment (CIDIE), as well as the respective roles of UNEP and UNDP. Moreover, the need for inter-agency coordination arrangements related to the implementation of various sectoral and cross-sectoral objectives of Agenda 21 is highlighted in a number of its chapters.

51. In the light of the above provisions, the Secretary-General, immediately following the Conference, established an Ad Hoc Task-Force of the ACC chaired by the Director-General of the Food and Agriculture Organization of the United Nations (FAO), with a view to preparing proposals, for consideration by the second regular session of ACC of 1992 (20-21 October 1992), on how the interactions within the United Nations system for the implementation of Agenda 21 could best be organized. Upon recommendation of this Task-Force, ACC has now decided to establish an Inter-Agency Committee on Sustainable Development (IACSD), to identify major policy issues relating to the follow-up to the Conference by the United Nations system and advise ACC on ways and means of addressing them so as to ensure the effective cooperation and coordination of the United Nations system in the implementation of Agenda 21. To this effect the IACSD will:

(a) In the light of the guidance and instructions received from ACC, examine information regarding the implementation of Agenda 21 provided by the organizations of the United Nations system, relevant subsidiary bodies of ACC and non-ACC coordinating bodies, and identify for ACC overall policy issues and major gaps and constraints affecting United Nations system cooperation in the follow-up to the Conference;

(b) Formulate, for consideration and decision by ACC, recommendations to enhance the effectiveness of cooperation and coordination within the United Nations system in the implementation of Agenda 21;

(c) On the basis of (a) and (b) above, prepare brief reports identifying issues and making recommendations on overall policy and coordination, for decision by ACC; these reports should be prepared in such a way as to provide a basis for subsequent reports of ACC to the relevant intergovernmental bodies (as required by paragraph 38.17 of Agenda 21);

(d) Perform other tasks as required by ACC including, where appropriate, monitoring follow-up of relevant ACC decisions.

52. The Inter-agency Committee on Sustainable Development will have participation at the level of senior officials from a core number of ACC members. These will include the organizations which provided the core membership of the Ad Hoc Task Force of ACC referred to in paragraph 51 above - FAO, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), World Bank, the World Meteorological Organization (WMO), UNDP and UNEP - and two additional members designated by the Secretary-General - the International Labour Organisation (ILO) and IAEA. This composition will be reviewed by ACC after two years. Meanwhile, the Inter-agency Committee will remain open to all members of ACC interested in specific issues placed on the agenda of its session. The Committee's chairperson will be designated by the Secretary-General after consultation with ACC members.

53. At its second regular session of 1992, ACC also undertook an overall review of its own functioning and that of the ACC machinery with a view to enhancing overall inter-agency coordination and simplifying and rationalizing the structures and methods of work of its subsidiary bodies. As a contribution to that process, ACC further decided that IACSD, with the help of the secretariat support structure referred to in section V below should launch a process utilizing inter-agency consultations to assist ACC to: streamline the inter-agency coordinating machinery; allocate and share responsibilities for the implementation of Agenda 21 by the United Nations system; monitor new and additional financing requirements of the organizations of the United Nations system related to Agenda 21, taking into account the decisions of their governing bodies; and assess related reporting requirements and make recommendations on their streamlining. IACSD was requested to submit a progress report on the implementation of this decision to the April 1993 session of ACC.

54. ACC also decided to place a standing item on its agenda relating to follow-up to the Conference by the United Nations system. The coordination machinery within ACC for the follow-up to the Conference will thus comprise ACC itself, IACSD and the streamlined ACC subsidiary machinery, which will ensure complementarity and synergy at technical and working levels.

55. Further details on these institutional arrangements as well as ACC's conclusions on principles and guidelines for the allocation and sharing of responsibilities within the United Nations system for the implementation of Agenda 21, and enhanced cooperation between the multilateral funding institutions and other United Nations system organizations, are set out in a statement adopted by ACC, which will be submitted to the General Assembly in a separate addendum to the present document.

56. The Secretary-General will further report to the Commission on Sustainable Development on the results of future discussions and action within the Administrative Committee on Coordination regarding system-wide coordination arrangements for the implementation of Agenda 21.

IV. HIGH-LEVEL ADVISORY BODY ON SUSTAINABLE DEVELOPMENT

57. Paragraph 38.18 of Agenda 21 states that intergovernmental bodies, the Secretary-General and the United Nations system as a whole may benefit from the expertise of a high-level advisory board consisting of eminent persons knowledgeable about environment and development, including relevant sciences, appointed by the Secretary-General in their personal capacity.

58. The main task of such a board would be to provide high-level expert advice to the Secretary-General and to assist him in formulating proposals for ACC and the Commission on Sustainable Development.

59. The Secretary-General considers that this Board should consist of eminent persons broadly representative of all regions of the world, with recognized expertise on the broad spectrum of issues to be dealt by the Commission on Sustainable Development, including Agenda 21. Its membership would consist of 15 to 25 persons, drawn from relevant scientific disciplines, industry, finance and other major non-governmental constituencies, as well as various disciplines related to environment and development. Due account should also be given to gender balance. The Board should enable the Secretary-General to have access to a wide range of independent expertise, including that available in national, regional and global institutes, as well as to the perspective of major constituencies and professions. He would solicit its advice, as the need arose. Members of the Board might also, on request, take part in the sessions of the Commission, particularly its high-level policy segment, to provide expert advice.

60. The Secretary-General is concerned with the possible overlap between the functions of the Board as outlined above, and the Committee for Development Planning, which was established by the Economic and Social Council in 1966 to assess world development trends and prospects and to formulate recommendations in the areas of development and international economic cooperation. Since the areas covered in the work of the Committee for Development Planning and the type of expertise available in its membership are potentially similar to those of the High-level Advisory Board, the Secretary-General would propose that a single body should be established to provide high-level advice on all questions relating to environment and development. Accordingly, and subject to the views of the General Assembly, the Secretary-General intends to submit a proposal for membership of the High-level Advisory Board, keeping in mind the membership and terms of reference of the Committee for Development Planning, at the organizational session of the Economic and Social Council in 1993.

V. SECRETARIAT SUPPORT STRUCTURE

61. The Conference stated in paragraph 38.19 of Agenda 21 that "a highly qualified and competent secretariat support structure within the United Nations Secretariat, drawing, inter alia, on the expertise gained in the Conference preparatory process, is essential for the follow-up to the Conference and the implementation of Agenda 21". It recommended that this secretariat support structure should provide support to the work of both intergovernmental and inter-agency coordination mechanisms. It further recommended in paragraph 38.11 that this structure should provide support to the Commission on Sustainable Development.

62. The Secretary-General fully shares the emphasis placed by the Conference on the need for the Commission on Sustainable Development and the inter-agency coordination mechanisms to rely upon adequate and competent secretariat support. In the period ahead, a vast amount of conceptually difficult work will need to be carried out within the entire United Nations system to analyse

thoroughly existing and planned programmes of work, review current policies, budgets and activities, and elaborate proposals for governing bodies as to how they can be adjusted to meet Conference objectives.

63. Thus, substantive follow-up to the Conference will need to be conducted from an identifiable focal point within the United Nations Secretariat, which would assist the Secretary-General in coordinating the implementation of the decisions taken at the Conference and enhance inter-agency cooperation and collaboration in environment and development throughout the United Nations system. This secretariat unit will also be responsible for providing substantive secretariat support to the work of the Commission on Sustainable Development and the Inter-Agency Committee on Sustainable Development of ACC. To these ends it would have the following set of functions:

(a) To monitor and analyse information on the progress made in the implementation of Agenda 21 at the international level achieved by relevant international organizations and financial and development institutions and mechanisms;

(b) To gather and analyse information with a view to assisting the Commission on Sustainable Development in monitoring and assessing progress made towards the achievement of the commitments contained in Agenda 21, particularly those related to finance and technology;

(c) To collect and assess information provided by States and regional and subregional organizations with a view to analysing the main trends and progress achieved in the implementation of Agenda 21 at the national and regional levels;

(d) To collect and analyse information on the progress made in the implementation of relevant legal instruments and, as the need may arise, for the consideration of new instruments in areas not covered by existing ones;

(e) To collect and analyse contributions from non-governmental organizations, including the scientific and business communities;

(f) On the basis of the functions outlined above, to undertake required studies and formulate appropriate recommendations aimed at enabling the Commission on Sustainable Development to give general policy guidance to the implementation of the objectives and proposals for action adopted at the Conference;

(g) To provide a focal point for the ACC subsidiary mechanism on sustainable development, for the coordination and harmonization of United Nations system-wide activities related to the implementation of Conference recommendations, in particular the implementation of Agenda 21;

(h) To ensure effective coordination of the activities of the various parts of the United Nations system related to planning and programming for the implementation of Agenda 21, with a view to achieving optimal division of

labour and responsibilities and avoiding duplication, building on the experience of a working party approach developed during the preparatory process for the Conference;

(i) To provide support for the High-level Advisory Board on sustainable development and liaison with its members;

(j) To establish and maintain effective liaison with international organizations and financial institutions outside the United Nations system dealing with sustainable development issues, as well as with the secretariats of the relevant conventions;

(k) To serve as a focal point for Governments on all matters related to the follow-up to the Conference and the work of the Commission;

(l) To continue, taking into account the experience gained and procedures developed during the preparatory process for the Conference, to develop liaison and interaction with non-governmental organizations active in the area of environment and development on issues related to the work of the Commission and the follow-up to the Conference;

(m) To disseminate information, in cooperation with the Department of Public Information of the Secretariat, to the general public and mass media regarding the follow-up process, with a view to maintaining and enhancing the high level of public awareness created by the Conference about sustainable development issues.

64. As indicated in the foreword to the report of the Secretary-General on enhancing international cooperation for development and the role of the United Nations system, 7/ and reiterated in his annual report on the work of the Organization (A/47/1), as well as in his report on the restructuring and revitalization of the United Nations in the economic and social and related fields (A/47/534) before the General Assembly, the Secretary-General is currently engaged in a comprehensive review of secretariat structures in the economic and social field, with a view to further rationalizing them and achieving a more effective Organization-wide distribution of responsibilities. The aim is to enhance the quality and coherence of the support provided by the Secretariat to central intergovernmental bodies in the economic and social field, including support for current reform efforts, and to improve the effectiveness of overall secretariat activities relating to data gathering and research on the one hand and operational activities on the other.

65. The requirements for secretariat support for the follow-up to the Conference, as well as the experience gained in the first phase of the reorganization, and the consequential adjustments to be introduced in the structures put in place in that phase, are among the main factors being taken into account in the review.

66. Pending the outcome of this review, the Secretary-General is not in a position to set out in precise terms in the present report, his conclusions as to the specific location within the Secretariat of institutional arrangements for the follow-up to the Conference. The Secretary-General intends to do so, and to provide an indication of specific staffing implications, later during the current session of the General Assembly.

67. Meanwhile, the following are some of the main considerations underlying the Secretary-General's approach to the matter. Firstly, the Secretary-General appreciates the Conference's recognition of the importance of avoiding viewing institutional arrangements for the follow-up to the Conference in isolation from the current revitalization and reform efforts, and of addressing instead secretariat support in this broad area "in the context of current and ongoing restructuring of the United Nations Secretariat" as specified in Agenda 21. In the same light, the Secretary-General shares the emphasis placed by the Conference on making the "optimum use of existing resources". Finally, the Secretary-General attaches the utmost importance to ensuring that such secretariat support should meet the highest standards of competence, including through equitable gender balance, as defined in the Charter.

68. On the basis of these general considerations, an appropriate balance must be achieved between two key objectives. One is to ensure that the new institutional arrangements give the important issue of sustainable development the visibility it deserves within the overall structures of the Organization. The other, is to see to it that these arrangements are innovative and do not detract from, but rather contribute to, a clearer distribution of responsibilities within the Secretariat and to the overall coherence of secretariat support for central intergovernmental bodies in the economic and social field.

69. The above considerations, as well as the observations in paragraphs 33 to 41 above, concerning the relationship between the Commission on Sustainable Development, the Economic and Social Council and other United Nations intergovernmental bodies, would suggest the desirability of a single streamlined structure which would provide a common framework for the provision of overall support to the Council on the one hand, and Secretariat follow-up to the Conference on the other. These interrelated functions focus on the analysis and synthesis of inputs and the provision of support for central coordinating, policy-review and policy-making functions. By placing them under common direction, a synergy should be created, which would contribute to both efficiency and overall policy coherence.

70. The most appropriate structural arrangements for other sets of functions in the economic and social fields, relating to data gathering and research on the one hand, and operational activities on the other, are still under consideration, as an integral part of the current phase of Secretariat restructuring. The Secretary-General will revert to these issues - including ways of achieving a better balance between functions performed at Headquarters and those that can best be carried out by the regional commissions and the concerned United Nations programmes - later in the session.

Notes

1/ See Report of the United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3 to 14 June 1992 (A/CONF.151/26, vols. I to V).

2/ For more information see Repertory of Practice of United Nations Organs, and Supplements 1 to 4, Article 68, part 1, section C "Functions and Powers".

3/ Different numbers of segments could be organized during particular sessions of the Commission.

4/ E/5715/Rev.1.

5/ E/5975/Rev.1.

6/ These included the General Assembly's decision on the recommendation of the Preparatory Committee for the Conference to provide for the full participation of the European Economic Community in the Conference.

7/ E/1992/82/Add.1.

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REPORT OF THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

Institutional arrangements to follow up the United Nations Conference on Environment and Development

Report of the Secretary-General

Addendum

Statement of the Administrative Committee on Coordination to the General Assembly

I. INTRODUCTION

1. The Administrative Committee on Coordination (ACC) is mindful that meeting the unprecedented and daunting challenges involved in achieving sustainable development will require special efforts from the entire international community. It recognizes that only the United Nations system is able to provide the appropriate global framework for action at international, regional, national and local levels. It further recognizes that implementation of Agenda 21 means tackling complex inter-sectoral problems; this will require greater coherence at intergovernmental and inter-agency levels and a better interface between them, as well as with non-governmental organizations.

2. ACC is also mindful that its consideration of the follow-up to the United Nations Conference on Environment and Development by the United Nations system is taking place within a context in which parallel developments, as yet incomplete, leave a number of unknowns. These developments include: (a) ACC's own review of its subsidiary machinery; (b) the proposals of the Secretary-General on organizational arrangements for the Commission on

Sustainable Development, its secretariat support structure, and the high-level advisory body, to be considered by the General Assembly at its forty-seventh session; (c) the views of the General Assembly on the Conference, in particular the institutional and financing arrangements it proposed; and (d) the restructuring of the United Nations in the economic, social and related fields. Taking the above into account and as a contribution to discussion on the follow-up to the Conference, ACC offers below its views on various issues identified in Agenda 21 for the United Nations system.

II. PRINCIPLES AND GUIDELINES FOR THE ALLOCATION AND SHARING OF RESPONSIBILITIES WITHIN THE UNITED NATIONS SYSTEM FOR THE IMPLEMENTATION OF AGENDA 21

3. ACC underlines that the overall goal in examining an allocation and sharing of responsibilities is to optimize the contribution of the United Nations system to the implementation of Agenda 21 through enhancing opportunities for cooperation, filling gaps and avoiding duplication of effort. ACC recommends that an allocation and sharing of responsibilities should evolve from a process based on an analysis of on-going and planned activities of organizations of the United Nations system vis-à-vis Agenda 21 programme areas: areas covered by on-going activities, areas where there could be duplication, areas where there are gaps and areas where activities could be joined in such a way as to create greater synergy. Areas where a large number of organizations are involved would require inter-agency consultations and, where appropriate, joint programming. This could be facilitated through existing mechanisms or ad hoc consultations. These ad hoc consultations should be called either by the lead agency concerned with the subject area or, where no clear lead agency exists, by the secretariat support structure of the Commission on Sustainable Development.

III. ENHANCED COOPERATION BETWEEN THE MULTILATERAL FUNDING INSTITUTIONS AND OTHER ORGANIZATIONS OF THE UNITED NATIONS SYSTEM

4. ACC notes that Agenda 21 highlights the need for improved cooperation between financing institutions and other United Nations organizations. ACC views the rationale for enhanced cooperation as not merely to link executing and funding agencies, but also to integrate different capacities and experience available within the United Nations system for the benefit of Member nations. To achieve this, ACC recommends that substantial consultation and exchange of information be undertaken, particularly at country and programme levels. While for the former, the role of the Resident Coordinator should be supported, the latter would be important particularly for the new financing mechanisms such as the Global Environment Facility and UNDP's Capacity 21; United Nations specialized agencies should be increasingly involved as cooperating and executing agencies in these mechanisms.

IV. FINANCIAL REQUIREMENTS

5. ACC notes the recognition, in Agenda 21, that "financial resources are also required for strengthening the capacity of United Nations institutions for the implementation of Agenda 21" and that "the provision of new and additional financial resources should be both adequate and predictable". It further notes that it will be up to the secretariats and governing bodies of organizations of the United Nations system to assess their respective additional financial requirements related to implementation of Agenda 21.

6. ACC urges that, taking into account these assessments of requirements, zero-growth budgetary policies be relaxed in order to enable the relevant parts of the United Nations system to play their full role in the implementation of Agenda 21. Similarly, the timely and full payment of contributions and all arrears would enable organizations to re-establish their full programme delivery capacities.

7. At the same time, ACC stresses the imperative need to provide supplementary resources to relevant organizations of the United Nations system. For, while all organizations are committed to implementing the recommendations of the Conference to the extent possible within existing resources, the provision of additional funds will be a conditio sine qua non for their full and effective response to the new demands generated by Agenda 21 (including those for inter-agency coordination and cooperation). ACC also strongly supports the replenishment of the Global Environment Facility in 1993 and the financing of UNDP's Capacity 21, as both would provide resources for the implementation of part of Agenda 21.

V. ARRANGEMENTS FOR COOPERATION AND COORDINATION

8. ACC is taking steps to ensure effective cooperation and coordination in the follow-up to the Conference by the United Nations system. It notes that the complexity and enormity of the challenges involved, as well as the scarcity of resources available to tackle them, require maximization of opportunities for streamlining the use of expertise and resources, in order to achieve greater synergy, value added, integration and cost-effectiveness from the activities of the United Nations system. The Committee stresses that coordination is not an end in itself but a means to achieve these benefits.

VI. THE COORDINATION MACHINERY

9. ACC recalls that Agenda 21 suggested that consideration be given "to establishing a special task force, subcommittee or sustainable development board" to assist it in fulfilling its high-level coordinating role for the United Nations system. ACC recognizes that indeed solid analytical work will be needed to underpin ACC's action in this regard. It considers that none of the existing inter-agency mechanisms has the requisite functions, experience and capacities to provide this. Accordingly, ACC has decided to streamline

and improve the functioning of the existing ACC subsidiary machinery. It has further decided to establish an Inter-Agency Committee on Sustainable Development (IACSD), which will form part of a three-tier machinery to coordinate the follow-up to the Conference by the United Nations system.

10. The machinery will comprise:

(a) ACC itself, as indicated in Agenda 21, which will be the high-level inter-agency coordination mechanism for policy decision-making;

(b) The streamlined existing ACC subsidiary machinery and other inter-agency coordination arrangements, which will ensure complementarity and synergy in the implementation of programme areas of Agenda 21, at the technical level and the working level;

(c) The new Inter-Agency Committee on Sustainable Development, which will constitute the intermediate level between coordination of technical work and ACC decision-making in the substantive area of sustainable development, with a view to enhancing ACC decision-making, reporting to intergovernmental bodies and the effectiveness of relevant inter-agency coordination arrangements.

11. The Inter-Agency Committee on Sustainable Development will have participation at the level of senior officials from a core number of ACC members and participants, while remaining open to all ACC members and participants interested in specific issues placed on the agenda of its sessions. The composition of the core group will be reviewed after two years by ACC. ACC has requested the Committee to meet before ACC's first regular session of 1993, with a view to launching a process of inter-agency consulations for the follow-up to the Conference, aiming to assist ACC in (a) streamlining the coordinating machinery, (b) allocating and sharing responsibilities for the implementation of Agenda 21 by the United Nations system, (c) monitoring new and additional financing requirements of organizations of the United Nations system related to Agenda 21, taking into account the decisions of their governing bodies, and (d) assessing new and existing reporting requirements related to implementation of Agenda 21, and making recommendations for their streamlining. As indicated in Agenda 21, this inter-agency mechanism should be serviced by the secretariat support structure of the Commission on Sustainable Development.

VII. REPORTING

12. On the basis of a brief review of existing reporting requirements and those requested in Agenda 21, ACC, without wishing to prejudge the decisions of competent bodies, the Commission on Sustainable Development in particular, makes the following observations:

(a) Some resolutions and decisions adopted by intergovernmental bodies prior to the Conference called for periodic reporting which, in all likelihood, will be duplicated by reports requested in Agenda 21. Multiple and duplicative reporting from the United Nations system would indicate a lack of coordination and should be avoided. Moreover, it would have serious budgetary implications (costs for staff time and governing body deliberations). There is also a risk that, within intergovernmental bodies such as the Commission on Sustainable Development, the Economic and Social Council and the General Assembly, Governments could review subjects which they had already examined in the governing body of the technically competent organization, and that, as different ministries may be involved, different, or even conflicting, guidance could be provided, unless a clear distinction is made between overall, cross-sectoral policy issues and technical/sectoral issues;

(b) It would be beneficial for the various monitoring bodies (governing bodies, ACC, the Commission on Sustainable Development, the Economic and Social Council and the General Assembly) to coordinate to the extent possible their examination of progress in implementation of various parts of Agenda 21. This would allow central monitoring bodies to be aware of the technical policy advice given by Governments in the other forums. In this case, it would be useful for the Commission on Sustainable Development to receive relevant extracts of reports adopted by the governing bodies of organizations of the United Nations system.

13. In view of the above, ACC has decided that an assessment of new and existing reporting requirements relevant to Agenda 21 should be undertaken by IACSD with the help of the secretariat support structure. IACSD should report its findings and recommendations to ACC, including proposals to avoid duplication in reporting, ensure cost-effectiveness and foster integration of environment and development. ACC will use these findings and recommendations to propose streamlining of the reporting process to the Commission on Sustainable Development, other United Nations intergovernmental bodies, the Economic and Social Council and the General Assembly.

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THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Report of the Secretary-General

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I. INTRODUCTION

1. The present report is submitted to the General Assembly pursuant to paragraph 6 of its resolution 46/7 of 11 October 1991, on the situation of democracy and human rights in Haiti. Section II of the report covers the international community's efforts to resolve the Haitian crisis; section III provides a brief overview of the human rights and humanitarian situations in Haiti one year after the coup d'état. The replies of Member States to the memorandum of 8 September, requesting them to indicate any measures taken in support of the resolutions of the Organization of American States (OAS), in accordance with paragraph 4 of resolution 46/7, will be issued separately in an addendum to this report (A/47/599/Add.1).

II. INTERNATIONAL EFFORTS AND MAJOR DEVELOPMENTS IN HAITI SINCE THE COUP D'ETAT

2. The President of Haiti, Jean-Bertrand Aristide, democratically elected on 16 December 1990 by 67.48 per cent of Haitian voters in an election whose validity had been upheld by the United Nations, OAS and the Caribbean Community (CARICOM), took office on 6 February 1991, five years after the departure of Jean-Claude Duvalier. It was hoped that the election would put an end to a long period encompassing the Duvalier dictatorship followed by five years of political instability under five different regimes and that it would mark the beginning of an era of democracy and economic and social progress. However, on 30 September 1991, President Aristide was overthrown in a coup d'état and forced into exile.

A. Reaction of the international community to the coup d'état

3. On the day the coup, while the whereabouts of President Aristide were still unknown, the Permanent Council of OAS adopted resolution CP/RES.567 (870/91) in which the Council, inter alia, condemned the coup and its perpetrators, demanded adherence to the Constitution and respect for the legitimate Government, the physical safety of the President and the rights of the Haitian people, and called for the reinstatement of the President in the exercise of his constitutional authority. In addition, the Council decided to convene an ad hoc Meeting of Ministers of Foreign Affairs, pursuant to resolution AG/RES.1080 (XXI-0/91), on representative democracy, adopted by the General Assembly of OAS at its twenty-first regular session, held at Santiago, Chile, on 5 June 1991.

4. That same day, the Secretary-General of the United Nations made a brief statement to journalists with which the President of the Security Council associated himself. Concerned about the fate of President Aristide and the serious threats to the democracy which the Haitian people, with the help of the United Nations, had just established, the Secretary-General expressed the

hope that calm would soon be restored and that the democratic process would be pursued in accordance with the Constitution.

5. Meeting on 2 October, the OAS Ministers for Foreign Affairs heard a statement by President Aristide, and on 3 October they adopted resolution MRE/RES.1/91 in which they demanded, inter alia, the immediate reinstatement of President Aristide in the exercise of his legitimate authority. The Ministers also recommended the diplomatic, economic and financial isolation of the de facto authorities and the suspension of any aid except that provided for strictly humanitarian purposes. They decided to dispatch a mission to Haiti and provided for the possibility of taking additional measures at a subsequent time. Lastly, they urged the United Nations and its specialized agencies to consider the spirit and aims of the resolution.

6. On 3 October, President Aristide addressed the United Nations Security Council. The President of the Council made a statement condemning the coup, calling for the restoration of the legitimate Government, supporting the efforts of OAS and expressing the hope that the President would soon return to his country and resume his functions (S/PV.3011).

7. On 4 October, a high-level OAS delegation arrived in Haiti and met with representatives of various groups within the country. The delegation's negotiations with the High Command of the Haitian Armed Forces were interrupted on 7 October when soldiers burst in and ordered the delegation members to leave the country immediately.

8. The following Monday, 7 October, the two chambers of the Haitian Parliament, meeting as the National Assembly, invoked, under pressure from the military, article 149 of the Constitution and named Judge Nérette "Acting President", granting him a mandate to organize new elections. That evening, a statement from the Haitian Army reiterated that the return of President Aristide was not negotiable. On 10 October, Mr. Nérette appointed Mr. Jean-Jacques Honorat "Prime Minister", an appointment which was confirmed by the Senate on 12 October and by the Chamber of Deputies on 14 October.

9. On 8 October, the OAS Ministers for Foreign Affairs adopted a second resolution (MRE/RES.2/91) in which they, inter alia, condemned the decision to replace the President illegally, declared unacceptable any Government that might result from that situation and any representative of such a government, and urged member States to freeze the financial assets of the Haitian State and to impose a trade embargo on Haiti, except for humanitarian aid. The Ministers also decided to constitute, at the request of President Aristide, a civilian mission, known as OEA/DEMOC, to re-establish and strengthen constitutional democracy in Haiti, stipulating that the security of the mission must be guaranteed. Finally, they called upon the States Members of the United Nations to adopt the same measures. (See A/46/550-S/23127, annex.)

10. On 11 October, the United Nations General Assembly adopted by consensus resolution 46/7, in which it, first of all, condemned the attempted illegal replacement of the constitutional President of Haiti, the use of violence and

military coercion and the violation of human rights in Haiti; affirmed as unacceptable any entity resulting from that illegal situation; and demanded the immediate restoration of the legitimate Government of President Aristide, the application of the Constitution and thus the full observance of human rights in Haiti. The Assembly also requested the Secretary-General of the United Nations to consider providing the support sought by the Secretary-General of the Organization of American States in implementing the mandates arising from resolutions MRE/RES.1/91 and MRE/RES.2/91 adopted by that organization. The Assembly appealed to Member States to take measures in support of the OAS resolutions and emphasized that increased cooperation, when constitutional order was restored in Haiti, would be necessary to support its development efforts in order to strengthen its democratic institutions. Finally, the Assembly requested the Secretary-General to submit to it the present report and decided to keep open the consideration of the item until a solution to the situation was found.

B. Efforts of Mr. Ramírez Ocampo

11. At the same time, negotiations were being carried out on behalf of OAS by the former Minister for Foreign Affairs of Colombia, Mr. Ramírez Ocampo. At the conclusion of Mr. Ramírez Ocampo's first visit to Haiti, from 10 to 13 November 1991, the Commander-in-Chief of the Army, General Cédras, agreed to abide by the decisions of the constitutional civilian authorities, and the Parliament agreed to negotiate directly with President Aristide at Cartagena, Colombia. The joint declaration signed by the head of the OAS mission and the Presidents of the two chambers also made reference to the dispatching of two OAS missions to Haiti - a humanitarian mission to study the impact of the embargo and another mission to study human rights violations before and after the coup. OAS had dealt exclusively with the Parliament, the only representative institution remaining on Haitian soil, and had negotiated with a crisis committee composed of the Presidents of the two chambers and approximately 10 members of Parliament.

12. The meeting at Cartagena took place from 22 to 24 November, when the two sides parted without having reached agreement on a joint communiqué. The parliamentarians had nevertheless accepted President Aristide's return in principle, even though they had not wished to say so explicitly. While the President had reportedly been willing to choose a new prime minister, with the Parliament's approval, the parliamentarians demanded an immediate lifting of the embargo, a decision President Aristide would not consider until the new Government had been installed.

13. Mr. Ramírez Ocampo then raised the issue of choosing a new prime minister who would be acceptable to all. The 12 candidates proposed by President Aristide were rejected by the parliamentary crisis committee, which had put forward the names of Mr. Marc Bazin, leader of the Mouvement pour l'instauration de la démocratie en Haïti (MIDH) and a candidate of the Alliance nationale pour la démocratie et le progrès (ANDP) in the presidential elections, in which he had placed second with 14.22 per cent of the votes, and

Mr. René Théodore, General Secretary of the Parti unifié des communistes haïtiens (PUCH) and a candidate of the Mouvement pour la reconstruction nationale (MRN), which had obtained 1.83 per cent of the votes. The President of the Chamber of Deputies, Mr. Duly Brutus, whose name had also been mentioned, announced that he was not a candidate. With the support of some 50 parliamentarians, President Aristide then proposed the candidacy of Mr. Victor Benoit, Chairman of the Comité national du congrès des mouvements démocratiques (CONACOM), a member organization of the Front national pour le changement et la démocratie (FNCD), which had the support of the largest group within the Parliament. On 21 December, that candidacy was rejected by the President of the Senate and some 30 parliamentarians during a stormy meeting at which Mr. Ramírez Ocampo was present. On the following day, Mr. Ramírez Ocampo announced that President Aristide would accept the candidacy of René Théodore if it was endorsed by the Parliament.

14. After that statement, President Aristide, who was surprised that Victor Benoit's candidacy had not been submitted to the full Parliament, clarified his position by explaining that he would consider the candidacy of René Théodore only if the name of his latest candidate was rejected first. The FNCD parliamentarians, in turn, wrote to the Secretary-General of OAS to suggest that a new mission head should be appointed and to ask him to provide security for the parliamentarians so that they could all vote in complete freedom. In fact, following the coup d'état, parliamentarians who had supported President Aristide's return had been subjected to a campaign of intimidation: one deputy had been killed, others had been threatened and some had been obliged to go into hiding, while the army had not hesitated to surround and even to enter the Parliament.

15. On 7 and 8 January 1992, further talks were held at Caracas, after which agreement was reached with President Aristide on the name of Mr. René Théodore.

16. The negotiations were then stalled for several weeks. Although the President had agreed to the candidacy of one of his harshest critics, he refused to keep General Cédras and the officers who had taken part in the coup d'état in their posts, since he believed that they should be either judged or exiled. He also requested that a date should be set for his return and that other questions should be discussed, including the composition of the Government and his programme of reforms. René Théodore, meanwhile, held that the appointment of General Cédras to head the army, having been approved by Parliament, could not be revoked by the executive branch alone. He also felt that President Aristide's actual return hinged on a process for which a timetable could not be drawn up. It had been planned that the two men would meet in Washington on 18 January 1992, at the initiative of OAS and in the presence of a parliamentary delegation made up of the Presidents of the two chambers; that meeting did not take place, however, because the Haitian parliamentarians and the prospective Prime Minister had declined to attend.

17. On 25 January, plain-clothes policemen killed one of René Théodore's bodyguards in cold blood and brutally assaulted a number of politicians who were meeting at MRN headquarters. General Cédras energetically condemned this

aggression, as did the de facto Government, which called for the arrest of a corporal and the opening of an investigation. It became increasingly clear, however, that at least a part of the army was implacably opposed to President Aristide's return, even at a later date.

C. The protocols of agreement of 23 and 25 February 1992

18. On 21 February 1992, negotiations between President Aristide and the Presidents of the two chambers of the Haitian Parliament, Mr. Déjean Bélizaire and Mr. Alexandre Médard, were resumed at OAS headquarters in Washington. On 22 February, the President met with René Théodore. On 23 February, the first protocol between President Jean-Bertrand Aristide and the parliamentary negotiating commission was signed with a view to finding a definitive solution to the Haitian crisis.

19. Among other matters, the protocol recognized the necessity for:

(a) The Haitian Parliament to reinstate Jean-Bertrand Aristide in the exercise of his function as the constitutionally elected President of the Republic of Haiti, and undertake to assist the Government of national consensus to bring about the conditions for the return of Jean-Bertrand Aristide to Haiti;

(b) President Jean-Bertrand Aristide to respect the decisions taken and acts ratified by the Haitian Parliament and to agree that, during his absence, the Prime Minister should take over management of the affairs of State;

(c) The two parties to proclaim a general amnesty, save for common criminals, to accept the new consensus Prime Minister, to request the lifting of the embargo and sanctions immediately after confirmation of the Prime Minister and installation of the Government of national consensus, to recommend to Parliament that it should, as a matter of urgency, approve the request of President Jean-Bertrand Aristide to OAS to send the civilian OEA/DEMOC mission to Haiti, to request OAS and the international community to provide the Government of national consensus with substantial assistance as a matter of urgency, and to reject and condemn any intervention by foreign armed forces in the settlement of Haitian affairs.

20. On 24 February, President Aristide stated that he held General Cédras to be primarily responsible for the military coup d'état and said that he would do everything in his power to remove him. He pointed out that the general amnesty envisaged by the protocol of agreement excluded common criminals. Asked whether he considered General Cédras to be a common criminal, he replied that that was part of the agreement. Three days later, he reaffirmed that the General could not benefit from the amnesty because he had committed a crime against humanity.

21. On 25 February, President Aristide signed a second protocol of agreement with the Prime Minister-designate, René Théodore. Among other things, this

protocol provided that once his appointment was confirmed, the Prime Minister would work to create the conditions for the return of President Jean-Bertrand Aristide, with whom he would meet, meanwhile, every two weeks where possible. The protocol provided that, in any event, a meeting would be held with the Secretary-General of OAS one month after the confirmation of the Prime Minister to determine the modalities of the return of the President of the Republic. The composition and the programme of the Government of national unity would be drawn up jointly by the President of the Republic and the Prime Minister. On 27 February, the Prime Minister-designate announced that General Cédras had agreed to the negotiated solution to the crisis set out in the Washington agreement. In a letter addressed to René Théodore, the Commander-in-Chief once again proclaimed the army's neutrality with regard to the agreement.

22. The national radio and television stations then waged a campaign against the agreement of 23 February, which was condemned as unconstitutional by "President" Nérette on 6 March.

23. After several adjournments, the session at which the National Assembly was to ratify the Washington protocol of agreement was held on 18 March 1992. After four hours of debate, some parliamentarians left the chamber, and a vote was precluded by the absence of a quorum. Apparently, during the meeting the parliamentarians had been attacked by armed men in civilian clothes. The provisional Government, for its part, denied having distributed sums of money to certain parliamentarians. The President of the Senate announced that he would reconvene the National Assembly as soon as possible. However, the Assembly was never called on to consider the protocol, which was therefore never put to the vote.

24. On 27 March, the Court of Cassation declared the Washington agreement unconstitutional. Some parliamentarians and political parties vehemently protested the decision.

D. The tripartite agreement

25. On 8 May 1992, the tripartite agreement on the formation of a Government of consensus and public redemption for the consolidation of democracy was signed at the Villa d'accueil by the provisional Government, the Presidents of the Senate and the Chamber of Deputies and the Commander-in-Chief of the armed forces of Haiti. The agreement did not mention either President Aristide or the Washington protocols of agreement. It stated that the future Prime Minister must, inter alia, have a solid background in national public administration, a provision that was intended to exclude René Théodore. It directed the new "Government of consensus" to pursue the negotiations, to put an end to Haiti's diplomatic isolation and to obtain the lifting of the embargo, while working for social peace, economic recovery and the strengthening of democratic institutions. Lastly, it provided for the resignation of the provisional "President", Judge Nérette. From the outset, this agreement was rejected by OAS and a number of countries, including the

United States of America and France. Nevertheless, following the amendment of the provisions relating to the resignation of the provisional President, it was ratified on 20 May by the Chamber of Deputies, in the absence of the Front national pour le changement et la démocratie (FNCD), which had refused to participate in the final two days of negotiations and had boycotted the voting. It was decided that the office of President would not be filled until such time as a definitive and comprehensive solution to the Haitian crisis was found. On 22 May the agreement was ratified by the Senate by 9 votes to 2, with 3 abstentions, and with 13 out of 27 senators absent.

26. On 2 June, pursuant to the tripartite agreement, Marc Bazin was chosen by consensus to be "Prime Minister". In a communiqué dated 3 June, OAS rejected his appointment on the grounds that it represented a continuation of the coup d'état. Bazin's appointment was also condemned by President Aristide and by a number of countries, including the United States and France. In the absence of FNCD, which considered the tripartite agreement unconstitutional, the appointment was confirmed by the Senate on 4 June by 12 votes to 1, with the President not voting, and by the Chamber of Deputies on 10 June by 44 votes to 4, with 35 out of 83 deputies absent. The new "Government" was made up of individuals from five political groups and a few independents. "President" Nérette resigned on 19 June, and Bazin was sworn in at an investiture ceremony at which no foreign diplomats except the Apostolic Nuncio were present.

E. Reinforcement of sanctions

27. On 1 April 1992, the Permanent Council of OAS adopted a declaration in which it called upon member States to reinforce the embargo and to freeze the private assets of Haitians who had supported the putsch. It called for an urgent meeting of the Ministers for Foreign Affairs.

28. On 18 May, the Ministers for Foreign Affairs of OAS adopted another resolution, MRE/RES.3/92, aimed at reinforcing the embargo, in which they recommended, inter alia, that member States should deny access to their ports by ships that had engaged in trade with Haiti, take measures to prevent violations of the embargo by air and punish the perpetrators and supporters of the coup by denying them visas to enter those States and freezing their financial assets. The Ministers called on all States having economic and commercial ties with Haiti, including the countries of the European Economic Community (EEC), to take further steps to reinforce the effectiveness of the embargo and requested the cooperation of international financial institutions and the United Nations in applying the new sanctions.

F. Correspondence between President Aristide, the Secretary-General of the United Nations and the Secretary-General of the Organization of American States

29. On 3 June 1992, President Aristide addressed a letter to the Secretary-General of the United Nations calling on the United Nations to assist OAS in achieving effective implementation of the resolutions it had adopted, particularly compliance with the embargo and the dispatch to Haiti of a multidimensional mission. Pursuant to his mandate under General Assembly resolution 46/7, the Secretary-General of the United Nations transmitted the letter to the Secretary-General of OAS with the renewed assurance that he stood ready to assist in efforts to resolve the Haitian question and, specifically, to participate in a joint mission such as that suggested by President Aristide.

30. On 10 July, the Secretary-General of the OAS replied to the letter from the Secretary-General of the United Nations. He recalled that one of the basic purposes of OAS under its Charter was the defence of democracy and that its General Assembly had provided, in its resolution 1080/91, for a mechanism to operate in case of events which provoked an abrupt or irregular disruption of the democratic process. He emphasized the intense effort being mounted within OAS to resolve the crisis in Haiti. He called for renewed and growing support from the States Members of the United Nations for the OAS sanctions, sought the Secretary-General's views as to possible ways of increasing the cooperation between the two organizations in the area of human rights and of strengthening their common efforts on behalf of refugees, and encouraged the United Nations to participate in his proposed mission to Haiti.

31. On 15 July, the Secretary-General transmitted the exchange of correspondence to the President of the Security Council and informed him that he had decided to accept the offer of the Secretary-General of OAS to include participation from the United Nations in his proposed mission to Haiti (see S/24340). In a letter dated 29 July (S/24361), the President of the Security Council informed the Secretary-General that the members of the Council had taken note of his letter at the informal consultations held on 20 July.

G. The Florida Declaration and the Presidential Commission

32. From 26 to 29 June 1992, a meeting between President Aristide and a number of Haitians took place at Miami, Florida, following which a declaration entitled "For National Harmony: The Florida Declaration" was issued. After denouncing once again the tripartite agreement, the recourse to violence and the pressure brought to bear on Parliament, the Declaration called for a strengthening of international efforts to enforce respect for civil and political liberties and for a dialogue among Haitians with a view to forming a Government of unity and allowing the constitutional President to return to Haiti. Among other things it sought the rapid deployment of the OEA/DEMOC mission with United Nations support, the dispatch of a joint mission of the

Inter-American Commission on Human Rights and the United Nations Commission on Human Rights, and the appointment by the Secretary-General of the United Nations of a senior official to deal with refugees. It invited the Secretary-General of OAS to become personally involved in the matter and to go to Haiti as soon as possible to discuss the setting up of the OEA/DEMOC mission with the Haitian Parliament. It further requested him to entrust the organization of that mission to an eminent person and to deploy the mission in Haiti in July.

33. On the basis of the Declaration, a 10-member Presidential Commission was established in Haiti on 6 July. Under the leadership of its coordinator, Father Antoine Adrien, it was directed to begin a dialogue with the various groups in Haitian society that sought a quick and democratic resolution to the crisis, not excluding the possibility of talks with the army. On 10 August the Commission issued a set of proposals for overcoming the Haitian crisis, which were presented as the "codification of the Washington Accords as updated in the Florida Declaration". Emphasizing the need to "establish an area of freedom", it asked for the OEA/DEMOC mission to go ahead. Mr. Bazin, who had offered to appoint his own commission to engage in a dialogue with the Presidential Commission, ultimately decided not to do so.

H. Mission by the Secretary-General of OAS to Port-au-Prince, United Nations participation and follow-up to the mission

34. Briefed by an OAS technical mission that had gone to Haiti on 22 July 1992, a high-level mission led by the Secretary-General of OAS spent the period from 18 to 21 August in Port-au-Prince. Its membership included the Ambassadors of Argentina, Bolivia, Costa Rica, the United States of America and Venezuela to OAS, and representatives of Canada, Trinidad and Tobago, CARICOM, the European Community and the Inter-American Commission on Human Rights and a representative of the Secretary-General of the United Nations. The mission met with the various elements of Haitian society, including the Presidential Commission, the Parliament, the General Staff of the Haitian Armed Forces, the "Prime Minister" of the de facto Government, the Platform of Haitian Organizations for the Defence of Human Rights, churches, political parties, unions and the private sector. The mission discussed the role of the OES/DEMOC mission and the question of the embargo in the context of the negotiating process and expressed its determination to continue trying to facilitate dialogue between the parties. It also decided to recommend an increase in humanitarian assistance. Finally, the mission expressed its deep concern at the acts of repression and violence reported to it. Upon returning to Washington on 22 August, the mission met with President Aristide.

35. On 27 August the Secretary-General of OAS submitted his report to the Permanent Council. He invited President Aristide and Mr. Bazin to appoint personal representatives to initiate a dialogue under his sponsorship, thereby laying the groundwork for a settlement of the crisis. He acknowledged that the embargo was being largely ignored and had failed to provide the desired

effect. He recalled, however, that it had been recommended by the OAS Ministers for Foreign Affairs as a means of ensuring the return of democracy to Haiti and that those who were manipulating it should be dealt with. He called for the rapid dispatch of the OES/DEMOC and Inter-American Commission on Human Rights missions. Finally, he emphasized the concern for professional expertise raised by the High Command of the Haitian Armed Forces.

36. From 1 to 4 September, talks were held in the presence of the Secretary-General of OAS in Washington, between the emissaries of the two parties, Father Antoine Adrien, coordinator of the Presidential Commission, and Mr. François Benoit, "Minister for Foreign Affairs" of the de facto Government. Mr. Benoit had been instructed to prepare for a summit meeting between President Aristide and Mr. Bazin. Father Adrien insisted that the OEA/DEMOC mission should be deployed as a matter of urgency. No documents were signed at the conclusion of the talks, but the proposal by the Secretary-General of OAS to send an initial group of civilian observers to Haiti was favourably received by both parties. While President Aristide would have preferred a much larger mission than the one proposed, he agreed to what he termed a step in the right direction. On 10 September the de facto Government gave its consent to the sending of 18 observers to Haiti, their mission being to help diminish violence from any source, to promote respect for human rights, to facilitate the distribution of humanitarian assistance and, in general, to assess the progress being made towards a resolution of the Haitian crisis.

37. On 16 September, six OAS observers joined their five colleagues already in Port-au-Prince; the remaining seven were to follow. OAS emphasized that they were the beginning of the "OAS civilian presence in Haiti", the name OAS/DEMOC having been dropped, and that they would be progressively deployed throughout the country, two to a department. However, it had been agreed that if any observers in addition to the original team of 18 were to be sent, a new agreement would be needed. The multinational team is headed by Colin Granderson, director of political affairs in the Ministry for Foreign Affairs of Trinidad and Tobago. Several Haitian political figures vigorously protested the observers' arrival, including former President Manigat. One observer was sent home at the request of the Haitian authorities. The rest remained in Port-au-Prince waiting to leave for the destinations outside the capital. The de facto Government set up an inter-ministerial Commission made up of representatives of the Ministries of Foreign Affairs and Justice and a representative of the army to "maintain permanent contact with the members of the OAS civilian mission in Haiti and to provide them with the support necessary for the success of their mission". It confirmed that the safety of the observers would be guaranteed by the army in cooperation with the Government.

38. Since early October, the former Prime Minister of Jamaica, Mr. Michael Manley, has been in contact with both parties with a view to facilitating the dialogue OAS seeks to encourage so that a political solution to the Haitian crisis might be found.

I. Recent developments at the United Nations

39. On 10 September 1992, the Secretary-General informed the members of the Security Council during informal consultations that his representative had taken part in the OAS mission, that the parties did not seem to have come closer together, that OAS was planning to deploy a first group of observers in Haiti and that it had decided to maintain the embargo. He concluded by saying that he intended to continue cooperating with the Secretary-General of OAS and stood ready to lend any other assistance that might lead to a solution to the crisis.

40. On 21 September, the spokesman for the Secretary-General reported that the Secretary-General had received communications from the so-called Haitian Government, which included purported credentials for a delegation to the forty-seventh session of the General Assembly. He stated that, since by its resolution 46/7 of 11 October 1991 the General Assembly had affirmed as unacceptable any entity resulting from the attempted illegal replacement of the constitutional President of Haiti and had demanded the immediate restoration of the legitimate Government of President Jean-Bertrand Aristide, the purported credentials from the so-called Government of Haiti in Port-au-Prince were not receivable from the legal point of view and were of no legal consequences to the United Nations.

41. On 29 September, one year after the coup that removed him from power, President Aristide addressed the General Assembly. In his statement he called for a strengthening of the embargo and an end to the import of weapons into Haiti, by means of a blockade if necessary. He expressed the hope that the United Nations would inquire into violations of fundamental human rights committed since 30 September 1991 and would cooperate in Haiti with the Organization of American States (A/47/PV.17).

III. OVERVIEW OF THE SITUATION IN HAITI ONE YEAR AFTER THE COUP D'ETAT

A. Human rights situation

42. The OAS mission, in which a representative of the Secretary-General of the United Nations participated, visited Haiti from 18 to 21 August 1991. It would be impossible on the basis of such a brief stay to provide a first-hand report of the human rights situation prevailing in Haiti a year after the coup or to evaluate the impact of the embargo imposed by OAS. The human rights situation in Haiti is the subject of an interim report to the General Assembly by the Special Rapporteur appointed by the Commission on Human Rights (A/47/621). This section will, therefore, limit itself to an expression of the concerns of the Secretary-General, based on information received by his representative during the OAS mission to Haiti from human rights organizations in that country, and on reports by major international human rights organizations, such as Americas Watch, Amnesty International, the Lawyers Committee for Human Rights, the National Coalition for Haitian Refugees and Physicians for Human Rights.

43. The reports convey a pattern of gross and widespread human rights abuses during the year since the coup d'etat. These include extra-judicial executions, severe ill-treatment amounting to torture and arbitrary and illegal arrests; abuses by members of the security forces and civilians in collusion with them acting with total impunity; intense harassment and intimidation of journalists, human rights monitors, lawyers, priests, nuns and grass-roots leaders; reprisals against popular expressions of support for President Aristide and restrictions on the right of freedom of association. The system of section chiefs (chefs de section), notorious for its arbitrariness and rapaciousness, which had been dissolved by the Aristide Government, has reportedly reasserted itself in the countryside. Extortion of money from civilians to avoid arrest or ill-treatment, to secure improved prison conditions, or to obtain release from prison appears to have become widespread. Outside interference in Haiti's judicial process has reportedly intensified since October 1991. The system of justice, traditionally inefficient and currupt, lies in tatters, making it impossible for the population to seek redress before the courts.

B. Humanitarian situation

44. Disturbing information about the economic and humanitarian situation in Haiti is contained in the proposed United Nations integrated plan of humanitarian action, prepared in October by an inter-agency committee under the direction of the Department of Humanitarian Affairs of the United Nations Secretariat. This information should be noted here, if only briefly, in order to provide a fuller understanding of the situation obtaining in Haiti today.

45. The country's economy is in a state of free fall. Tens of thousands of jobs have been cut in the industrial and services sector, the informal sector is in a state of collapse and the unemployment rate, always high, has risen even higher. Farmers have seen their income diminish, and many small farmers have had to use up their seed reserves and sell their animals, their tools and even their land. In addition, deforestation has accelerated, and soil erosion has grown worse. Since the onset of the crisis, charcoal production has increased by 40 per cent, which means that an additional 7,500 trees are cut down each month. Current consumer prices have also risen, with a concomitant decline in household purchasing power.

46. This reduction in family purchasing power, together with shrinking imports of foodstuffs and fertilizers and the lack of fuel, which limits the ability to transport goods to the places where they are consumed, have caused the food situation, already precarious, to deteriorate further since October 1991. Malnutrition affects the most vulnerable groups of society most severely, particularly young children. There is also a threat of famine, after two years of drought, in certain regions such as the North-West.

47. The scarcity of fuel and electricity and the decline in purchasing power, coupled with the partial suspension of priority programmes financed through external cooperation, have likewise led to a deterioration in the health

situation. The supply of medicines and immunization programmes in particular have suffered serious disruptions, while there is a growing risk of disease from the increasing lack of safe drinking water.

48. The educational system is also experiencing serious financial difficulties, and a number of schools have had to close their doors. Teachers, who are ill-paid, do not come to work or resign, and school attendance rates are declining. It is estimated that at least 135,000 children have had to leave school as a result of the crisis.

49. Faced with the seriousness of the situation, the eight United Nations agencies still maintaining a presence in Haiti have established an inter-agency committee under the direction of the Department of Humanitarian Affairs. This committee has drawn up a draft integrated plan of humanitarian action. For its part, OAS established a coordinating committee for humanitarian assistance to Haiti on 23 July 1992; the Department of Humanitarian Affairs has participated in the meetings of this committee and has appointed two consultants to submit a report. Both organizations, which are committed to collaborating closely in this area of vital importance to Haiti's survival, are currently studying specific ways in which such cooperation can take place.

C. Refugees

50. The political, economic and humanitarian situation described above explains why numerous Haitians seek, at the risk of their lives, to flee their country. Without addressing the question of Haitian refugees, this report concludes with a few figures provided by the Office of the United Nations High Commissioner for Refugees (UNHCR): Some 38,315 boat people have been intercepted by the United States Coast Guard, of whom 27,104 have been repatriated by force and 11,617 have been admitted as asylum seekers. Since 24 May 1992, Haitian boat people intercepted on the high seas have been returned to Haiti without any preliminary questioning, a decision which the High Commissioner has deplored and which is now before the Supreme Court. UNHCR has helped nearly 6,000 persons who have been voluntarily repatriated and will soon open offices at Port-au-Prince and Santo Domingo.

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Agenda item 22

THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Report of the Secretary-General

Addendum

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I. INTRODUCTION

1. In paragraph 4 of its resolution 46/7, of 11 October 1991, on the situation of democracy and human rights in Haiti, the General Assembly appealed to the States Members of the United Nations to take measures in support of the resolutions of the Organization of American States referred to in paragraph 3, namely, resolutions MRE/RES.1/91 and MRE/RES.2/91.

2. The contents of resolutions MRE/RES.1/91 and MRE/RES.2/91 were briefly described in paragraphs 5 and 9 of the report of the Secretary-General (A/47/599).

3. On 8 September 1992, a note verbale was sent to all Member States requesting them to inform the Secretary-General of the measures they had taken in response to the General Assembly's appeal, so as to enable him to prepare his report.

4. The replies received from Member States appear in this addendum.

II. REPLIES RECEIVED FROM MEMBER STATES

BRAZIL

[Original: English]

[18 September 1992]

1. The coup d'état against the constitutional President Jean-Bertrand Aristide, on 29 September 1991, received immediate and strong condemnation by the Brazilian Government, which has, since then, reiterated its calls for the restoration of democratic rule in Haiti. In this connection, the Brazilian Government has supported the convening of the Permanent Council of the Organization of American States (OAS) to examine the situation in that country in the context of the respect for the principles of human rights and democratic government enshrined in the Charter of the Organization of American States.

2. Since OAS began in 1991 to consider initiatives aiming at restoring the legitimate Government of President Jean-Bertrand Aristide, the Brazilian Government has adopted the following measures in order to comply with the decisions taken during the ad hoc meetings of the Ministers of External Relations of that regional organization:

(a) Condemnation of the grave events that have taken place in Haiti;

(b) Diplomatic isolation of the de facto government. The Ambassador of Brazil was recalled to Brazil and replaced by a Chargé d'affaires;

(c) Suspension of all forms of cooperation, with the exception of humanitarian assistance;

(d) Suspension of military assistance;

(e) Freezing of financial assets of the State of Haiti;

(f) Support for the establishment by OAS of a civilian mission to support the restoration of democracy (OEA-DEMOC).

3. A Presidential Decree signed on 22 June 1992 and published on 24 June 1992 in the Official Gazette (Diário Oficial) has given legal effect to the measures adopted. The decree determines that - the Brazilian authorities are obliged to comply, within their respective competences, with the provisions of resolutions MRE/RES.1/91, MRE/RES.2/91 and MRE/RES.3/92 adopted by the ad hoc meetings of the Ministers of External Relations of OAS, which took place on 3 and 8 October 1991 and 17 May 1992 respectively.

CANADA

[Original: English]

[1 October 1992]

1. Canada has taken the following steps to implement the OAS resolutions calling for commercial, economic and trade sanctions against Haiti.

Bilateral assistance

2. Canada has suspended bilateral assistance programmes which provided official development assistance to Haiti.

3. We instructed Canadian representatives at international financial institutions not to support new loans or credit proposals or to provide technical advice or assistance to the de facto Haitian Government.

4. Humanitarian assistance for the very poor, channelled through non-governmental organizations, has continued.

Trade ban

5. Goods of Haitian origin or goods exported from Haiti require an import permit to enter Canada; such permits are not generally issued.

6. Similarly, all goods and technology from Canada to Haiti require an export permit; except for certain foodstuffs and medical supplies for humanitarian purposes, such permits are not generally issued.

Trade promotion restrictions

7. All support normally extended by the Canadian Government to exporters, including trade finance, are unavailable for any proposed transactions with Haiti.

Financial controls

8. All Haitian government assets in Canada are frozen.

9. The same regulations have the effect of prohibiting any financial transfers or payments to Haiti.

Visa restrictions

10. No visitor visas are approved for members of the de facto regime or its prominent supporters.

11. The normal visitor visa programme is suspended; visas are only issued for humanitarian reasons or in the national interest.

Port, shipping and air travel controls

12. Air carriers belonging to Haitian interests are prohibited from operating to Canada.

13. Regulations effectively prohibit any movement to or from Haiti by Canadian ships, or the passage of foreign ships through Canadian ports when engaged in trade with Haiti. Exceptions are made for humanitarian aid shipments.

EL SALVADOR

[Original: Spanish]

[2 October 1992]

1. The Government of El Salvador has extended its full support to the resolutions adopted by the Ministers for Foreign Affairs of the States members of OAS condemning the breakdown of the democratic system in Haiti and recommending that the de facto regime resulting from the coup d'état of 30 September 1991 be isolated. Full compliance with those resolutions also entails observance of the trade embargo imposed on Haiti; the denial of port facilities to any vessel failing to respect the embargo; measures to ensure that air transport is not used for goods traffic; denial of entry visas to perpetrators or supporters of the coup d'état, or withdrawal of their visas, as applicable; and the freezing of Haitian assets.

2. To ensure such compliance, the Ministry of Foreign Affairs has circulated the relevant communiqué to the Ministers of the Presidency, Economic Affairs, the Interior, Defence and Agriculture and to the Presidents of the Central Reserve Bank and the Autonomous Ports Commission.

FRANCE

[Original: French]

[7 October 1992]

1. Since the coup d'état staged against President Aristide, France has suspended its bilateral cooperation with Haiti. That cooperation, which represented financial commitments of about 220 million French francs for the period June 1991/June 1993, was broken off with immediate effect, with the exception of some humanitarian aid, maintained at the request of the legitimate authorities. The hundred or so cooperation personnel in Haiti have been recalled.

2. At the same time, Haitian government assets in France were frozen by decree.

3. France also applies a highly restrictive policy with regard to the granting of visas to Haitian citizens sympathizing with the de facto regime.

JAPAN

[Original: English]

[30 September 1992]

1. On 1 October 1991, the spokesman for the Minister for Foreign Affairs issued a statement condemning the coup d'état; this was followed by a statement to the same effect made by the Chief Cabinet Secretary on 3 October 1991. On 2 October 1991, the representative of Japan expressed regret at the situation before the extraordinary ministerial meeting of the Organization of American States.

2. On 11 October 1991, the spokesman for the Minister for Foreign Affairs condemned those who carried out the coup d'état and their subsequent actions, such as the de facto assumption of power and the nomination of an interim President. He also expressed Japan's support for the efforts undertaken by OAS to resolve the situation.

3. On 2 October 1991, the Government of Japan decided to suspend its economic cooperation for Haiti, since the situation there did not satisfy the policy guidelines according to which Japan extends such cooperation.

4. On 11 November 1991, the Government of Japan advised that private enterprises should not undermine the economic sanctions imposed by OAS.

5. Japan joined in co-sponsoring the draft resolution entitled "Human rights in Haiti" which was adopted by the General Assembly on 17 December 1991 (resolution 46/138).

MEXICO

[Original: Spanish]

[7 October 1992]

The Government of Mexico has supported the resolutions of the Organization of American States on the situation in Haiti. Furthermore, in view of the fact that trade between Mexico and Haiti is virtually non-existent, there has been no need to draw up provisions concerning the suspension of its dealings with the de facto Government in Haiti. The Government of Mexico thus confirms that it complies strictly with the provisions laid down in the relevant General Assembly resolution.

NETHERLANDS

[Original: English]

[5 October 1992]

1. The Government of the Netherlands immediately after the military coup d'état suspended its plans for a bilateral development cooperation programme with Haiti.

2. It has been pointed out to trade and industry in the Netherlands what the consequences would be of continuation of commercial relations with Haiti vis-à-vis their interests in the member States of OAS.

3. On 6 August 1992, the Government of the Netherlands Antilles declared an embargo on the import and export of oil products and military equipment.

4. Within the framework of the European Community the economic cooperation programme between the European Commission and Haiti was suspended immediately after the coup d'état.

SPAIN

[Original: Spanish]

[14 October 1992]

1. The Spanish Government issued a statement condemning the coup d'état on 1 October 1991.

2. Since that time, the post of Spanish Ambassador in Port-au-Prince has not be filled.

3. On 31 October 1991, the President of the Republic of Haiti, His Excellency the Reverend Father Jean-Bertrand Aristide, visited Spain and had a meeting with the Prime Minister.

4. A restrictive policy with regard to visas has been applied to leaders of the de facto regime.

5. The European Community and its member States, with the full support of the Spanish Government, have issued statements condemning the coup d'état (3 October 1991), welcoming the agreement reached on 23 November between President Aristide and the parliamentary negotiating commission (26 November 1991), condemning the Haitian Parliament for not ratifying that agreement, and calling for the results of Haiti's last democratic elections to be honoured (7 April 1992).

6. In addition, on 3 October 1991 the European Community and its member States announced the suspension of cooperation with Haiti, with the exception of humanitarian and emergency assistance, and decided to impose a trade embargo on the country on 2 November 1991.

UNITED STATES OF AMERICA

[Original: English]

[16 October 1992]

1. In support of the effort by the Organization of American States to restore constitutional democracy in Haiti, the United States of America adopted a wide variety of measures blocking or otherwise limiting economic transactions between the United States and its citizens and the Republic of Haiti and its citizens. These measures are pursuant to the actions recommended in resolutions MRE/RES.1/91 and 2/91 adopted by OAS Foreign Ministers on 3 and 8 October 1991. On 5 June 1992, the United States strengthened the embargo by denying entry into any United States ports to ships of any nations which violated the embargo. We also increased humanitarian aid to $70 million in the fiscal year, which will feed 600,000 persons a day in Haiti and provide medical attention to over 2 million

persons. Regulations implementing the United States embargo provide for licensing exceptions to the embargo. In an effort to target the embargo towards those who supported the interruption on 30 September 1991 of constitutional government in Haiti, and to minimize the impact of the embargo on the Haitian poor, the United States continues to examine specific adjustments in the implementation of this embargo.

2. The United States embargo, imposed by Executive Orders 12775 (4 October 1991) and 12779 (28 October 1991), implemented by the Haitian Transactions Regulations published on 31 March 1992 in the Federal Register, consists of:

(a) The freezing of all property and interests in property of the Government of Haiti, its agencies, instrumentalities and controlled entities, including the Banque de la République d'Haïti. This includes overseas branches;

(b) The prohibition of any direct or indirect payments or transfers to the de facto regime in Haiti of any funds, or of other financial or investment assets or credits, by any United States person, or by any Haitian business owned or controlled by a United States person. This prohibition covers all taxes;

(c) The requirement that United States persons deposit all transfers or payments owed to the Government of Haiti when due (such as taxes) into an account at the Federal Reserve Bank of New York, or as otherwise may be directed by the Secretary of the Treasury, to be held for the benefit of the Haitian people;

(d) The prohibition of the importation into the United States of any goods of Haitian origin, other than publications and other informational materials, or of services performed in Haiti;

(e) The prohibition of the exportation from the United States to Haiti, directly or indirectly, of any goods, technology (including technical data or other information controlled for export), or services other than publications and other informational materials; donations of articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies; and rice, beans, sugar, wheat flour, and cooking oil.

3. In addition, on 1 October 1991 the United States announced the suspension of economic assistance ($66 million) and non-lethal military aid ($2.2 million). On 3 October 1991, the United States announced the denial of export licences for commercial arms purchases and exports to the military and police.

4. On 17 May 1992, the Ad Hoc Meeting of Foreign Ministers was reconvened at Nassau, and adopted MRE/RES.3/92, in which the two previous resolutions were reaffirmed and member Governments were called upon to take further steps. In response to that call, on 5 June 1992, the United States amended its Haitian

Transactions Regulations to prohibit entry into any United States port, unless otherwise authorized, of any vessel that called on Haiti since the latter of 5 June 1992 or the vessel's last call into the United States (the reference date), unless it demonstrates to the satisfaction of the United States Treasury Department that any calls on Haiti since the reference date have been transactions that fall into one of the following three categories:

(a) Shipments exempted or excepted from the prohibition if engaged in by a United States person;

(b) Shipments specifically licensed by the United States or another member Government of OAS, pursuant to OAS resolution MRE/RES.3/92;

(c) Shipments made under a contract of voyage that was fully completed prior to the vessel's currently proposed entry into the United States.

5. This effort to strengthen the embargo has had immediate effects: since June 1992, the United States Customs Service has confiscated three vessels and fined several others for violating the embargo.

6. The United States embargo is imposed under the authorities contained in the International Economic Emergency Powers Act, which requires a presidential determination of a national emergency (valid for a one-year period). That determination was renewed on 1 October 1992 for a second one-year period.

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SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-seventh year

Letter dated 28 October 1992 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and with reference to our earlier correspondence concerning Israeli acts of aggression on Lebanese territory, I have the honour to inform you below of the new Israeli attacks on Lebanese towns and villages in various areas during the last few days.

1. At noon on Monday, 26 October 1992, Ain Tine in the western Bekaa and the areas around the course of the Litani river were subjected to bombardment with 155-millimetre artillery from the occupied border strip, at a rate of one shell per minute. This caused a large-scale exodus of population from the above-mentioned village and from Maidoun and Machgara.

2. At noon on the same day, Jebaa was subjected to bombardment with 155-millimetre artillery and tank guns, which caused great damage to property and started fires in wooded areas owing to the use of fragmentation shells.

3. At 1330 hours on 26 October 1992, Zawtar El-Gharbieh, Mazraat El-Hamra, Kaakaye and Mrouj were subjected to artillery bombardment from the positions of the occupation forces at Tallet El-Shraika.

4. At 1355 hours on 26 October 1992, Kfartbnit was subjected to shelling by the Israeli tanks at Tallet Ali Taher. Thirteen villagers were wounded, including a number of children.

5. On the same date, Israeli helicopters fired rockets at the homes of citizens in the same village (Kfartbnit), causing large-scale material damage.

6. At 1620 hours on 26 October 1992, an Israeli helicopter fired two rockets at a house in Zawtar El-Charkieh, while another helicopter raided the outskirts of the village, causing four deaths among the population.

7. At 1640 hours on the same day, two Israeli Air Force aircraft carried out a raid on the Jabal Safi, Mlita, Jarjou and Ain Bossoir areas, causing damage to property.

8. At 1650 hours on 26 October 1992, four Israeli aircraft carried out a raid on the Maidoun and Ain Tine areas.

9. At 1900 hours on the same date, Israeli military aircraft carried out a raid on the Maximus V Hakim School in the village of Abra east of Sidon, destroying the building and causing large-scale damage to neighbouring buildings.

10. At the same time on the same date, Qilya, Dallafa and Ain Tine were subjected to artillery bombardment, and the Lebanese army posts there were hit.

11. At 1940 hours on 26 October 1992, Zawtar El-Charkieh, Zawtar El-Gharbieh and Jebchit were subjected to bombardment with 155-millimetre artillery from the occupied strip.

12. At 1945 hours, the Mrouj area on the outskirts of Kfarfila, Jebaa and Loueize were subjected to mortar bombardment from occupied Tallet El-Nabi Soujoud.

13. At 2000 hours on the same date, the outskirts of Nabatiye, Kfarjoz, Habbouche, Kfour, Deir Zahreni and Toul were hit by 155-millimetre phosphorous shells, which started fires in the wooded areas belonging to Toul.

14. At 2000 hours on the afternoon of 26 October 1992, the Palestine refugee camp at Nahr El-Bared in northern Lebanon was subjected to violent artillery bombardment by the Israeli army. The bombardment was resumed at 2134 hours and caused fires inside the camp, the death of one person and the wounding of a number of others.

15. At 1245 hours on 27 October 1992, Israeli military aircraft conducted a raid on a building in Kab Elias in the Bekaa, destroying the building and leaving two dead and five wounded.

16. At the same time on the same date, Israeli aircraft conducted a raid on the farmland of Beit Touchoum, east of Hermel in the northern Bekaa, causing the wounding of one Lebanese woman and the death of three other persons.

17. At 0130 hours on 27 October 1992, the Machgara electric power plant was subjected to bombardment with 120-millimetre mortar shells. The plant suffered a direct hit and was put out of operation.

The above-mentioned attacks have caused the deaths of more than 13 persons, the wounding of dozens more and enormous damage to property, as well as the flight of thousands of innocent citizens to safe areas. The attacks were accompanied by constant overflights by Israeli aircraft and by the massing of armoured units of the Israeli army in the occupied territory in southern Lebanon. In addition, Israeli officials have made various statements expressing their intentions to continue the acts of aggression against the Lebanese population and territory.

The Lebanese Government, in censuring and condemning the latest Israeli attacks, draws the attention of the Secretary-General and the members of the Security Council, in particular the five permanent members, to the danger and extent of the military operations directed against civilians in Lebanese towns and villages in the south, the Bekaa and the north. These attacks are unjustified and are incompatible with the Israeli Government's assertion that it is responding to the limited national resistance operations, which are a natural result of the continuation of the Israeli occupation of Lebanese territory in the south and the western Bekaa.

The Lebanese Government calls upon the international Organization, with its specialized bodies, especially the Security Council, to put an end to the Israeli violations and acts of violence against Lebanon and the Lebanese by the implementation of Security Council resolution 425 (1978) which provides for the immediate and unconditional withdrawal of the Israeli occupation forces and a halt to the continuing Israeli aggression against the sovereignty, independence and territorial integrity of Lebanon and the rights of its citizens.

The Lebanese Government affirms that, while it is anxious to continue the peace talks and to strive for their success, the Israeli attacks will not dissuade it from pursuing the question of the liberation of the occupied Lebanese south, as a national and political priority that it will strive to achieve with all its power and with international support.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 35, and of the Security Council.

(Signed) Khalil MAKKAWI
Ambassador
Permanent Representative